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14 **UNITED STATES DISTRICT COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

17 Ms. L., et al.,

18 *Petitioners-Plaintiffs,*

19 v.

20 U.S. Immigration and Customs Enforcement
21 ("ICE"), et al.

22 *Respondents-Defendants.*

Case No. 18-cv-00428-DMS-MDD

Date Filed: September 16, 2019

**OPPOSITION TO MOTION TO
EXCLUDE PLAINTIFFS'
DECLARATIONS**

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INTRODUCTION

In recognition of the expedited nature of these proceedings, throughout this case both sides have relied on evidentiary submissions that do not conform strictly to the Federal Rules of Evidence. The Court and the parties’ commonsense approach was appropriate given the streamlined nature of the case and the fact that no party has taken formal discovery. Yet now, after litigating for 18 months this way, Defendants suddenly interpose a long series of evidentiary objections to the declarations in support of Plaintiffs’ Motion to Enforce, claiming that rigid adherence to the Rules is required for this particular Motion. Indeed, some of the declarations are by declarants who have previously submitted affidavits in this case, without similar objections from Defendants.

Defendants’ motion to exclude is inconsistent with the manner in which this Court has accepted evidentiary submissions in this case, misunderstands the rules governing the admissibility of evidence in preliminary injunction proceedings, and misinterprets the Local Rules of this Court.

The Ninth Circuit has repeatedly recognized that the Federal Rules of Evidence should not be strictly applied in the preliminary injunction context, where courts are not making an adjudication of the case on the merits, nor have the parties conducted discovery. *See, e.g., Johnson v. Couturier*, 572 F.3d 1067, 1083 (9th Cir. 2009) (“A district court may, however, consider hearsay in deciding whether to issue a preliminary injunction.”). In stark contrast, almost all of Defendants’ cited cases—both in their brief and the 17-page exhibit they have attached to their motion—address the admissibility of evidence at summary judgment or trial.

Defendants also advance a novel interpretation of Local Rule 7.1(f)(2)(a), which they say requires evidence submitted at *any* phase of the case to be “admissible for the purpose of trial” under Federal Rule of Civil Procedure 56. Dkt. 461 at 1-2. Yet the plain text of the Local Rule states only that “[i]n addition to the evidence required or permitted by Fed. R. Civ. P. 6(d) and 56, copies of

1 documentary evidence . . . must be served and filed with the motion.” L.R.

2 7.1(f)(2)(a). This Local Rule nowhere demands that *all* declarations, no matter the
3 context, conform strictly with the Rules of Evidence.

4 Defendants also raise various objections to the testimony of multiple experts,
5 who have offered their expertise on matters ranging from assessing the risk level of
6 parents with criminal histories or allegations of danger, to police practices with
7 respect to gangs in El Salvador, to the effect of trauma and parental separation on
8 young children. Notably, Defendants do not challenge that the experts are qualified
9 to testify. Nor could they, given the experts’ stellar credentials. There can also be
10 no serious dispute as to whether their testimony will “help the trier of fact,” Fed. R.
11 Evid. 702(a), given that their testimony goes directly to matters in core dispute that
12 are beyond lay expertise.

13 Rather, Defendants’ argument as to most of the experts is that they have not
14 cited particular research studies and techniques. Dkt. 461 at 17-18; *see also* Fed. R.
15 Evid. 702(d). To the contrary, the experts’ own testimony demonstrates that they
16 have taken their collective decades of expertise and research and thoughtfully
17 applied it to this factual setting.

18 In sum, Defendants’ evidentiary objections have no basis in law or fact, and
19 seek to avoid engaging with the merits of Plaintiffs’ Motion. Defendants’ motion to
20 exclude should be denied in its entirety. There is simply no question that at this
21 stage of the litigation the Court can give Plaintiffs’ declarations whatever weight it
22 chooses, as has been the Court’s practice throughout the case.

23 **ARGUMENT**

24 **I. Defendants’ Objections to the Declarations of Attorneys and** 25 **Advocates Working with Separated Parents and Children Should be** 26 **Overruled.**

27 Due to the need for streamlined consideration of the issues in this case, as
28 well as the lack of formal Rule 26 discovery thus far, the parties have relied on

1 numerous affidavits and other evidence that are not strictly admissible under the
 2 Federal Rules. Defendants have submitted, for example, testimony from a high-
 3 level ORR official that describes facts about specific children's cases that came
 4 from other people and from unknown ORR records;¹ and unauthenticated
 5 documents that purport to come from parents' immigration records.² For their part,
 6 Plaintiffs have previously relied on attorney declarations compiling and
 7 describing separation cases, some of which included information that they received
 8 from other members and attorneys of their organizations. *See, e.g.*, Dkt. 153, Ex. 49
 9 (Connell Decl.); *id.*, Ex. 51 (Fluharty Decl.); Dkt. 110, Ex. 39 (Odom Decl.); *id.*,
 10 Ex. 40 (Govindaiah Decl.); Dkt. 78, Ex. 29 (Love Decl.); Dkt. 78, Ex. 32 (Tuell
 11 Decl.). Indeed, some of the same declarants at issue here have previously submitted
 12 declarations in this case. *See, e.g.*, Dkt. 78 (Brané Decl.); Dkt. 397-2 (Turner Decl.).

13 Yet now, Defendants abruptly seek to exclude the testimony of ten lawyers
 14 and advocates who have substantial experience working on separation cases, for
 15 alleged failure to conform to the Federal Rules of Evidence. Defendants' newfound
 16 evidentiary objections rely on a mischaracterization of the governing legal
 17 framework and ignore the numerous practical reasons why Plaintiffs' evidence
 18 deserves great weight at this stage.

19 **A. The Federal Rules of Evidence do not Apply Rigidly in Preliminary**
 20 **Injunction Proceedings.**

21 As the Ninth Circuit has repeatedly held, strict compliance with evidentiary
 22 rules, including hearsay rules, is not required at the preliminary injunction stage.
 23 *See Republic of the Philippines v. Marcos*, 862 F.2d 1355, 1363 (9th Cir. 1988) (en
 24 banc) (affirming district court's reliance on hearsay affidavit at preliminary
 25 injunction stage); *Johnson v. Couturier*, 572 F.3d 1067, 1083 (9th Cir. 2009)
 26 (affirming district court's consideration of, inter alia, "unverified client complaints")

27 ¹ Dkt. 57-1 (Sualog Decl.), ¶¶ 1-2, 9-12 (declaration of ORR Deputy Director
 28 testifying concerning cases of named Plaintiffs Ms. L and Ms. C).

² Dkt. 223-1, Dkt. 223-2, Dkt. 428-4.

1 on preliminary injunction). This is because “[t]he urgency of obtaining a
 2 preliminary injunction necessitates a prompt determination and makes it difficult to
 3 obtain affidavits from persons who would be competent to testify at trial.” *Flynt*
 4 *Distrib. Co. Inc. v. Harvey*, 734 F.2d 1389, 1394 (9th Cir. 1984). And as this Court
 5 has repeatedly recognized, this case concerns issues of the utmost importance and
 6 urgency. *See* Dkt. 439-1 at 4-6; *Flynt Distributing Co.*, 734 F.3d at 1394 (observing
 7 that inadmissible evidence deserves weight when it would “serve[] the purpose of
 8 preventing irreparable harm before trial”).

9 Defendants do not even acknowledge this settled rule. Instead, they cite a
 10 litany of inapposite cases in their brief and exhibit, almost none of which arise in
 11 the preliminary injunction context. Most of their authorities arise on summary
 12 judgment, where evidentiary rules apply more closely.³ Others address
 13 admissibility in civil trials.⁴ Still more are about *criminal* trials, which are even
 14 further afield.⁵ Plaintiffs have identified only one case cited by Defendants that
 15 addresses a preliminary context, and even that factually distinguishable,
 16 unpublished case acknowledges the basic principle that evidentiary rules are
 17 relaxed here. *See XI7 v. Lavandeira*, No. CV06-7608-VBF (JCX), 2007 WL
 18 790061, at *3 (C.D. Cal. Mar. 8, 2007) (rejecting hearsay affidavits and other
 19 documents in copyright case about celebrity Internet blogger).

20 Next, Defendants argue that Local Rule 7.1(f)(2)(a) requires Plaintiffs’
 21 evidence to be “admissible for the purpose of trial” under Federal Rule of Civil
 22 Procedure 56. Dkt. 461 at 1-2. But the Local Rule merely provides that “[i]n
 23

24 ³ *See, e.g., America Orr v. Bank of Am., NT & SA*, 285 F.3d 764, 771 (9th Cir.
 25 2002); *Block v. Los Angeles*, 253 F.3d 410, 419 (9th Cir. 2001); *Kim v. United*
 26 *States*, 121 F.3d 1269, 1270 (9th Cir. 1997); *Bank Melli Iran v. Pahlavi*, 58 F.3d
 1406, 1412 (9th Cir. 1995); *Evangelista v. Inlandboatmen's Union of Pac.*, 777
 F.2d 1390, 1398 n.3 (9th Cir. 1985).

27 ⁴ *See Bemis v. Edwards*, 45 F.3d 1369, 1371 (9th Cir. 1995); *Plyler v. Whirlpool*
Corp., 751 F.3d 509, 511 (7th Cir. 2014).

28 ⁵ *See, e.g., United States v. Durham*, 464 F.3d 976, 982 (9th Cir. 2006); *United*
States v. Verduzco, 373 F.3d 1022, 1034 (9th Cir. 2004).

1 *addition to the evidence required or permitted by Fed. R. Civ. P. 6(d) and 56,*
 2 *copies of documentary evidence . . . must be served and filed with the motion.”*
 3 *L.R. 7.1(f)(2)(a) (emphasis added).* In other words, the Local Rule simply requires
 4 any underlying evidence to be filed with the motion itself. The reference to Rule 56
 5 merely clarifies that this administrative requirement applies outside the summary
 6 judgment context, since Rule 56 *already* requires the submission of underlying
 7 evidence. *See* Fed. R. Civ. P. 56(c)(1) (providing that factual positions “must” be
 8 supported by “citing to particular parts of materials in the record”).

9 Defendants’ interpretation of the Local Rules also cannot be reconciled with
 10 numerous orders from this District that have overruled objections like those
 11 Defendants raise here. *See, e.g., Odyssey Reinsurance Co. v. Nagby*, No. 16-CV-
 12 3038-BTM-WVG, 2019 WL 2717223, at *14 (S.D. Cal. June 27, 2019) (“Due to
 13 the exigent nature of a preliminary injunction, a court may consider hearsay and
 14 other evidence that would otherwise be inadmissible at trial.”); *Arcturus*
 15 *Therapeutics Ltd. v. Payne*, No. 18CV766-MMA (NLS), 2018 WL 2316790, at *4
 16 (S.D. Cal. May 22, 2018) (overruling evidentiary objections based on “the best
 17 evidence rule, lack of foundation, failure to authenticate, and inadmissible
 18 hearsay”); *Backcountry Against Dumps v. Abbott*, No. 10-CV-1222 BEN (BGS),
 19 2011 WL 13193027, at *1 (S.D. Cal. Aug. 12, 2011) (overruling objection that
 20 declaration “contains improper lay opinion testimony” because “[c]ourts . . . may
 21 consider otherwise inadmissible evidence at the preliminary injunction stage”);
 22 *Aviara Parkway Farms, Inc. v. Agropecuaria La Finca, S.P.R. de R.L.*, No.
 23 08CV2301JM(CAB), 2009 WL 249790, at *4 (S.D. Cal. Feb. 2, 2009) (rejecting
 24 hearsay objections on preliminary injunction). *See also* Wright & Miller, Procedure
 25 on an Application for a Preliminary Injunction, 11A Fed. Prac. & Proc. Civ. § 2949
 26 (3d ed.) (“[I]t is not surprising that in practice affidavits usually are accepted on a
 27 preliminary injunction motion without regard to the strict standards of Rule
 28 56(c)(4).”).

B. The Declarations of the Attorneys and Legal Services Providers are Reliable and Relevant Evidence of Defendants' Practices.

Under these standards, Plaintiffs' evidence is plainly admissible and entitled to significant weight. Defendants' attacks on the attorney and advocate declarations can be grouped into several broad categories.

First, Defendants repeatedly criticize numerous declarants for testifying to inadmissible hearsay because they are at times testifying to what others—including clients and others at their organizations—have told them. *See, e.g.*, Dkt. 461 at 5-6, 7, 9; *see generally* Dkt. 461-1. But as stated above, there is no categorical bar to hearsay in this context. *See supra*. Moreover, some statements Defendants challenge are not hearsay at all. Much of the testimony concerns what the declarants and their colleagues were told (or not told) by government actors concerning the reasons for separation. *See, e.g.*, Dkt. 439-1, Ex. C (Enriquez Decl.), ¶¶ 13-14, 18-19; Ex. I (Koop Decl.), ¶ 6.a. Plaintiffs are not introducing these statements for their truth, but rather for the fact that they were made—they are evidence of Defendants' justifications or rationales for separation. Such statements are also admissible as party admissions. Fed. R. Evid. 801(d)(2).

Notably, Defendants have also relied on similar statements from agency officials to describe individual cases. Dkt. 57-1 (Sualog Decl.), ¶¶ 9-12 (declaration testifying concerning cases of named Plaintiffs Ms. L and Ms. C.). Indeed, their own declarations in opposition to Plaintiffs' Motion to Enforce report stories and anecdotes about specific families, without any explanation as to how those declarants know those facts. *See* Dkt. 464-1 (Sualog Decl.), ¶ 5 n.1; Dkt. 464-2 (Easterling Decl.), ¶ 19, 29; Dkt. 464-3 (Davison Decl.), ¶ 8. Defendants cannot hold Plaintiffs to a higher standard than they would hold themselves.

Second, Defendants insist the declarants have failed to demonstrate personal knowledge of their testimony, or lay a foundation for their statements. *See, e.g.*, Dkt. 461 at 11-12, 13-14, 15; *see generally* Dkt. 461-1 (lodging personal knowledge and foundation objections to various statements in attorney/advocate

1 declarations). But all the declarants aver that they have worked on separation cases,
 2 sometimes many cases. *See, e.g.*, Dkt. 439-1, Ex. G, ¶ 2 (Lapointe Decl.); *id.*, Ex. I,
 3 ¶¶ 2-5 (Koop Decl.); *id.*, Ex. J, ¶¶ 2-4 (Trefftz Decl.). Some coordinate or supervise
 4 the work of multiple team members from their respective organizations on
 5 separation cases. *See, e.g.*, Dkt. 439-1, Ex. B (Turner Decl.), ¶ 3; Ex. C, ¶¶ 1-3
 6 (Enriquez Decl.); Ex. E (Nagda Decl.), ¶¶ 3-10; Ex. H, ¶¶ 3-4 (Olivares Decl.).

7 Accordingly, all the declarants are testifying concerning matters well within
 8 their knowledge and competence, either because of their direct work on separation
 9 cases, or supervising other advocates and attorneys. *See, e.g., Ticketmaster L.L.C. v.*
 10 *RMG Techs., Inc.*, 507 F. Supp. 2d 1096, 1103 n.2 (C.D. Cal. 2007) (overruling
 11 personal knowledge objections because “in the preliminary injunction context, the
 12 Court is not strictly bound by all rules of evidence”). And to the extent necessary,
 13 the declarants’ personal knowledge can be easily inferred from testimony about
 14 their organizational positions and their representation of separated families. *See*
 15 *Barthelemy v. Air Lines Pilots Ass’n*, 897 F.2d 999, 1018 (9th Cir. 1990)
 16 (“[P]ersonal knowledge and competence to testify . . . may be inferred from the
 17 affidavits themselves.”).

18 Third, this posture presents special reasons to find Plaintiffs’ declarations
 19 reliable. Plaintiffs’ Motion focuses on two principal issues: the standard Defendants
 20 are applying to determine whether a parent is unfit or presents an imminent danger
 21 to the child, and their practices for determining unfitness or parentage. *See* Dkt.
 22 439-1 at 1-3. The children often have no meaningful testimony concerning either of
 23 those issues, since they are not told of the reasons why they were separated from
 24 their parents. Many do not know what in their parents’ backgrounds could possibly
 25 justify separation. Also, some of the children are too young to testify competently
 26 as to *any* topic, much less the traumatic circumstances of their separation.

27 The parents are similarly told only sporadically about Defendants’
 28 justifications for the separation, and what information they are given is often

1 incomplete or confusing. *See, e.g.*, Dkt. 434-1, Ex. D (Palazzo Decl.), ¶¶ 9-10; Ex.
 2 F (Donovan-Kaloust Decl.), ¶¶ 7-10; Ex. H (Olivares Decl.), ¶ 8. Some of the
 3 parents are deported and obtaining their testimony presents practical barriers. *See,*
 4 *e.g.*, Dkt. 434-1, Ex. B (Turner Decl.), ¶ 7; Ex. D (Palazzo Decl.), ¶ 15; Ex. G
 5 (Lapointe Decl.), ¶ 17.

6 As a result, the lawyers and advocates who work with the children and
 7 parents are the individuals (outside the government) who are best positioned to
 8 testify concerning the systemic matters at the heart of Plaintiffs' motion. The
 9 lawyers and advocates have pieced together the relevant facts from the child and
 10 parent and their respective lawyers. They have coordinated with the relevant
 11 agencies to obtain information concerning the reasons for separation, to the extent
 12 they are willing to share it. And due to their work on multiple cases, they are well
 13 qualified to speak on Defendants' practices. A number of the declarants—including
 14 Jennifer Nagda, who oversees federally-appointed child advocates for hundreds of
 15 separated children, Dkt. 439-1, Ex. E, ¶¶ 31-37—supervise their organizations'
 16 work with numerous such cases. Dkt. 439-1, Ex. B, ¶¶ 2-4 (Turner Decl.), Ex. H, ¶¶
 17 3-4 (Olivares Decl.), Ex. C, ¶¶ 1-3 (Enriquez Decl.), Ex. J, ¶¶ 2-4 (Trefftz Decl.).⁶
 18 Their declarations are an effort to streamline the evidence they have gathered and
 19 the patterns they have seen into a more digestible form.

20 Fourth, Defendants' reliability arguments omit that they have had ample
 21 opportunity to investigate the cases described in the declarations. Almost three
 22 weeks after Plaintiffs filed their Motion to Enforce, Defendants suddenly wrote to
 23 request that Plaintiffs provide—in two days—the names and A numbers of the 43
 24

25 ⁶ Multiple courts have relied on similar declarations to establish the existence of
 26 Defendants' policies and practices. *See, e.g., Hernandez v. Lynch*, No.
 27 EDCV1600620JGBKKX, 2016 WL 7116611, at *5 (C.D. Cal. Nov. 10, 2016), *aff'd*
 28 *sub nom. Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017) (relying on attorney
 declarations to find facts concerning Defendants' immigration detention practices);
R.I.L.-R v. Johnson, 80 F. Supp. 3d 164, 174 (D.D.C. 2015) (crediting testimony of
 "[v]arious immigration experts and attorneys" to prove existence of agency
 practice); *Damus v. Nielsen*, 313 F. Supp. 3d 317, 340 (D.D.C. 2018) (similar).

1 cases described in detail in the ten attorney and advocate declarations. Plaintiffs
2 provided over 90% of the names and A numbers within 72 hours, and provided one
3 additional name the next week. Defendants obviously have access to these
4 individuals' files and records, as their opposition to the Motion to Enforce shows.
5 *See* Dkt. 464 at 9-10, 12-13; Dkt. 464-5. Any concerns about the declarations'
6 "reliability" should not be a concern now that Defendants' have had ample chance
7 to verify the statements for themselves.

8 Finally, Defendants object to specific portions of the declarations of Anthony
9 Enriquez, Jennifer Nagda, and Michelle Brané for improper lay opinion testimony
10 or because they state legal conclusions. *See* Dkt. 461 at 7-8, 10-11, 16-17. Their
11 examples are misguided. For instance, Defendants take issue with parts of Mr.
12 Enriquez's and Ms. Nagda's testimony concerning the effects of trauma on
13 separated children, because they are not child trauma experts. Dkt. 461 at 7-8, 11.
14 However, context makes clear that neither declarant is opining as a mental health
15 expert, but rather testifying about observations of the children they or their
16 organizations work with. That is a matter well within their competence, given their
17 extensive experience observing the effects of Defendants' policies.⁷ And
18 Defendants' protests of Ms. Brané's testimony are particularly surprising given that
19 she is part of the Steering Committee in this case and has submitted multiple
20 declarations in this case without any prior concern. *See, e.g.*, Dkt. 397-1; 357-1;
21 172-1. And as an advocate who has worked on behalf of immigrant children for
22 years, she is amply qualified to offer testimony concerning her experience with
23 Defendants' practices. *See* Dkt. 78, Ex. 31 (describing qualifications).⁸

24
25
26 ⁷ Plaintiffs reserve the right to qualify all three declarants as experts, and only
accept Defendants' characterizations for current purposes.

27 ⁸ Defendants object to the declaration of Derek Loh for failure to include the proper
28 recitals under 28 U.S.C. 1746. Dkt. 461 at 17. Any such error was inadvertent, and
Plaintiffs will submit a corrected declaration from Mr. Loh with their reply in
support of the motion to enforce.

II. Defendants' Objections to the Expert Declarations Should be Rejected.

Plaintiffs have produced expert declarations from experts who have been retained by federal governments for their expertise, *see* Dkt. 439-1, Ex. Q (Austin Decl.), ¶¶ 2-5 (U.S. Department of Justice); Ex. N (Ridders Decl.), ¶ 2 (El Salvador), have founded and led pioneering centers in their respective fields, Ex. O (Shonkoff Decl.), ¶ 2, Dkt. 48-1, ¶ 7 (Guggenheim Decl.), have led correctional systems in a wide array of contexts, Dkt. 439-1, Ex. P, ¶¶ 2-4 (Schriro Dec.); and have authored key publications relevant to their fields, *see, e.g.*, Ex. A, Declaration of Daniel Galindo ("Galindo Decl."), Exs. 1-5 (curricula vitae of experts). This combination of extensive relevant experience, and knowledge gained from work with others in the field, easily establishes admissibility under the Federal Rules of Evidence. *See* Fed. R. Evid. 702 advisory committee's note to 2000 amendments ("In certain fields, experience is the predominant, if not sole, basis for a great deal of reliable expert testimony."); *Donahoe v. Arpaio*, 92 Fed. R. Evid. Serv. (Callaghan) 810 (D. Az. Oct. 11, 2013) (attorney with decade as prosecutor who advised clients and taught was qualified to testify as to "prosecutors' normal investigative practices"). This is true even if the Court's gatekeeping function were rigidly required at a preliminary injunction stage, *see* Part I.A.

Defendants do not dispute the experts' qualifications. Instead, Defendants take a cramped view of the admissibility of expert testimony; attempt to recast as "unreliable" the declarations with which it disagrees; and ignore the detailed bases of the experts' statements. *See Kumho Tire Co. v. Carmichael*, 526 U.S. 137, 152 (1999) (noting that the trial judge has the discretion "both to avoid unnecessary 'reliability' proceedings in ordinary cases where the reliability of an expert's methods is properly taken for granted").

A. Each Declaration Clearly States The Principles and Methods Used.

Defendants' primary argument is that Plaintiffs' experts have not said, to Defendants' satisfaction, "what reliable principles and methods they used and

1 applied.” Dkt. 461 at 18. That is wrong.

2 Dr. Dora Schriro. Dr. Schriro’s declaration notes her relevant background,
3 Dkt. 439-1, Ex. P, ¶¶ 2-3, 6 (forty years of experience in corrections and law
4 enforcement, leading three state agencies, two city systems, and one DHS office),
5 and lists her specific experience as a senior advisor to the DHS Secretary on Civil
6 Detention and Removal, *id.*, ¶ 4; as author of a DHS report on ICE detention
7 practices, including those involving the detention of families, *id.*;⁹ and as coauthor
8 of two reports in the last five years on family residential centers and family
9 immigration detention. *Id.*, ¶5.

10 Drawing on this expertise in “assessing and administering criminal and civil
11 detention systems,” *id.*, ¶ 6, Dr. Schriro then explains that correctional systems
12 make assessments of each arriving person’s risk for violence, and why and how
13 they do so, including what information is considered, what factors are important,
14 and how such risk factors are applied. *Id.*, ¶¶ 8-9. And she specifically cites that she
15 has applied such principles at a residential nursery in a women’s jail, when she led
16 the New York City Department of Correction. *Id.*, ¶ 10.

17 Defendants’ claims that “the Court has no way to judge” Dr. Schriro’s
18 “reasoning” thus ring hollow—they cannot pretend not to know the basis of her
19 opinions when her publications and experience are detailed at length. And any
20 claim Dr. Schriro’s conclusions cannot apply “in the immigration-detention
21 context” ignores her specific experience with DHS, Dkt. 439-1, *id.*, ¶ 4-5.

22 Moreover, even if Defendants’ characterization of her declaration were
23 correct, Ninth Circuit law is clear that an expert’s lack of certain “particularized
24 experience” goes to weight, not admissibility. *United States v. Garcia*, 7 F.3d 885,
25 890 (9th Cir. 1993) (citing *United States v. Little*, 753 F.2d 1420, 1445 (9th Cir.
26 1984)). Accordingly, district courts have declined to exclude expert testimony on

27 ⁹ Available here: [https://www.ice.gov/doclib/about/offices/odpp/pdf/ice-detention-](https://www.ice.gov/doclib/about/offices/odpp/pdf/ice-detention-rpt.pdf)
28 [rpt.pdf](https://www.ice.gov/doclib/about/offices/odpp/pdf/ice-detention-rpt.pdf).

1 the basis of such hairsplitting. *See, e.g., Weiss v. Holland Am. Line, Inc.*, NO. C12-
 2 2105 RSM, 2014 U.S. Dist. LEXIS 57430, at *10 (W.D. Wash. Apr. 18, 2014)
 3 (admitting expert in case involving cruise ship industry where experience gained
 4 through Alaska ferry system).

5 *Dr. James Austin*. Defendants' claims as to Dr. Austin similarly fail. He
 6 explains his expertise in classification systems for people incarcerated, including
 7 having been retained by the National Institute of Corrections, part of the U.S.
 8 Department of Justice, since 1980 to design and implement objective classification
 9 systems, Dkt. 439-1, Ex. Q, ¶ 2; *see also id.*, ¶ 4 (authoring DOJ publication on
 10 same), and having helped develop the custody classification systems currently in
 11 use in ICE detention facilities, *id.*, ¶ 5, and "in over 40 local and state correctional
 12 systems," *id.* ¶ 2.

13 Dr. Austin then explains the principles of assessing whether someone can be
 14 housed in a detention center, *id.*, ¶ 6, and that "all detention centers" have to
 15 develop systems to assess risk. *Id.* Like Dr. Schriro, he explains important and
 16 objective factors in risk-assessments, *id.*, ¶¶ 7-8, and he further explains that
 17 families in detention have a "strong incentive for the detainees to comply with
 18 facility rules" because "parents deeply desire to remain intact as a family, and they
 19 know that misbehavior will imperil their ability to be with their children." *Id.*, ¶ 10.
 20 The Court is thus able to evaluate his principles and methods of reasoning in
 21 deciding whether to consider whether his declaration reliably concludes that he
 22 does "not believe [Defendants'] custody decisions are consistent with the industry
 23 standards for classifying detainees in U.S. correctional and other family detention
 24 facilities," *id.*, ¶ 12.¹⁰

25
 26 ¹⁰ Defendants fault Dr. Austin for not stating, for example, "what percentage of jails
 27 utilize risk assessments." Dkt. 461 at 22. But Dr. Austin's declaration addresses the
 28 prevalence of the risk assessments he describes. Dkt. 439-1, Ex. M, ¶ 16 (discussing
 jails, prisons, and family detention facilities, and stating that "most facilities in the
 country use" the risk-assessment tools he has described).

1 Dr. Jack Shonkoff. Defendants’ objections to Dr. Shonkoff’s testimony are
 2 similarly meritless. Dr. Shonkoff is a Professor of Pediatrics at Harvard Medical
 3 School and Boston Children’s Hospital, the Director of the Center on the
 4 Developing Child, with appointments in Harvard’s schools of public health and
 5 education. Galindo Decl., Ex. 1. He also testified before Congress concerning the
 6 effects of immigration detention and family separation on children, particularly
 7 young children. Harvard Center on the Developing Child, Migrant Family
 8 Separation Congressional Testimony: Dr. Jack P. Shonkoff (Feb 7, 2019), available
 9 at [https://developingchild.harvard.edu/about/press/migrant-family-separation-](https://developingchild.harvard.edu/about/press/migrant-family-separation-congressional-testimony-dr-jack-p-shonkoff/)
 10 [congressional-testimony-dr-jack-p-shonkoff/](https://developingchild.harvard.edu/about/press/migrant-family-separation-congressional-testimony-dr-jack-p-shonkoff/). Plaintiffs offer his testimony to
 11 buttress the widespread consensus—recognized by this Court—that family
 12 separation “‘is a highly destabilizing, traumatic experience that has long-term
 13 consequences” on children. Dkt. 83 at 19 (quoting Dkt. 17-13, ¶ 2).

14 Defendants fault Dr. Shonkoff for not naming each scientific field on which
 15 he is basing his knowledge, and for not identifying specific members of the “strong
 16 scientific consensus” and the “countless studies” that support his synthesis and
 17 summary of research on the effect of separating parents from their children. Dkt.
 18 461 at 20. Yet his declaration specifically names the scientific fields from which he
 19 is primarily drawing (e.g. pediatrics and disciplines in the field of medicine,
 20 behavioral and social sciences, biology, *see* Dkt. 439-1, Ex. O, ¶ 2-4, 6, 12-13). His
 21 declaration also goes into detail concerning the specific research findings that he is
 22 summarizing and applying to this case’s context. *See, e.g.*, Dkt. 439-1, Ex. O, ¶ 17
 23 (defining deprivation/neglect and summarizing research findings that they can
 24 cause more harm to a child’s development than overt physical abuse); ¶ 18
 25 (children with extreme levels of social neglect early in life show diminished
 26 electrical activity in the brain, as measured through electroencephalography); ¶ 20
 27 (early adversity can chemically alter gene expression); ¶ 21 (early childhood stress
 28 can affect response to stress as adults, and lead to increased risk of disease as

1 adults).

2 Dr. Shonkoff’s further enumerated publications are included for the Court
3 with this Opposition brief, Galindo Decl., Ex. 1, but the science underlying his
4 claims is abundantly clear. More to the point, Defendants have never seriously
5 disputed that separation can have detrimental effects on children, particularly young
6 children, and that it can leave potentially permanent scars. *See United States v.*
7 *Finley*, 301 F.3d 1000, 1014 (9th Cir. 2002) (explaining that cross-examination and
8 presentation of rebuttal evidence are “traditional and appropriate means” of
9 disputing expert) (citation omitted).

10 And Plaintiffs have previously submitted the testimony of numerous medical
11 professionals on this topic without objection by Defendants. *See* Dkt. 21-1, Exs. 1-8
12 (testimony of nine medical and mental health professionals on harm of separation).

13 Jeanne Ridders. Finally, Jeanne Ridders describes more than a decade of
14 experience as a researcher with three nonprofits in El Salvador, focused on criminal
15 justice and gangs. Dkt. 439-1, Ex. N, ¶ 1. She has worked with the Salvadoran
16 government to evaluate its approach to criminal justice issues, has published her
17 research on gangs, and has worked extensively with family members of people
18 accused of gang affiliations. She notes her current research focus investigating
19 human rights violations by law enforcement and state actors in El Salvador, and
20 that she has observed police practices in the field. *Id.*, ¶¶ 2-3.

21 From this experience, she states the principles she applies—including, for
22 example, that police in El Salvador use broad and vague criteria to claim someone
23 is associated with gangs. *Id.*, ¶¶ 4-5. She then cites specific police practices as
24 examples of that principle—“rely[]ing heavily on witness identification of supposed
25 gang members,” where those “witness are often accused” of crimes and are trading
26 names of gang members “in exchange for leniency, ¶ 5; stop-and-frisk and mass
27 arrest practices to catalogue young people and attempt to tie them to gang
28 membership, ¶¶ 6-7; commonly understood phrases in the community reflecting

1 how widespread these dragnet practices are, ¶ 7 (describing “fichar”); labelling
2 people as affiliated because they were housed with gang members in jail, ¶ 8.
3 Defendants may disagree with her conclusion that innocent people are regularly
4 labeled “gang members,” gang affiliated or “gang sympathizers,” but they cannot
5 credibly claim they do not know how she reached her conclusion. *See Kumho Tire*
6 *Co. v. Carmichael*, 526 U.S. at 156 (“no one denies that an expert might draw a
7 conclusion from a set of observations based on extensive and specialized
8 experience.”).

9 **B. Nothing in Prof. Martin Guggenheim’s Declaration is Excludable as**
10 **an Impermissible Legal Conclusion.**

11 Defendants do not raise any dispute with Prof. Guggenheim’s qualifications
12 as an expert. *See* Dkt. 461 at 23-24. Nor did it previously object to any of his three
13 prior declarations filed in this case, which similarly explained child welfare
14 principles and applied them to particular facts, compare Dkt. 48-1, Ex. 17; Dkt. 78,
15 Ex. 34; Dkt. 221, Ex. 59, with Dkt. 439-1, Ex. M, and which were relied upon by
16 the Court. PI Order, Dkt. 83 at 19 (quoting Dkt. 48-1, Guggenheim Declaration on
17 injury to children).

18 Now that Prof. Guggenheim has concluded that “almost none” of the
19 government’s reasons for ongoing separations would even trigger further
20 assessment of a parent’s fitness under basic child welfare principles that apply in
21 the state and federal contexts, Dkt. 439-1, Ex. M, ¶ 10, after explaining and giving
22 examples of the child welfare principles he is applying, *id.*, ¶¶ 2-9—Defendants
23 suddenly seek to exclude this latest declaration as consisting of impermissible
24 “legal conclusions.”

25 Even if Defendants’ argument were true—and it is not—that would not be a
26 reason to exclude any part of the declaration. In civil cases, “testimony in the form
27 of an opinion or inference otherwise admissible is not objectionable because it
28 embraces an ultimate issue to be decided by the trier of fact.” Fed. R. Evid. 704(a);

1 *United States v. Morales*, 108 F.3d 1031, 1035 (9th Cir. 1997) (“Generally, experts
2 may testify as to their opinions on ultimate issues to be decided by the trier of
3 fact”).

4 A declaration stating “the government is not complying with the preliminary
5 injunction” might be impermissible, but analysis of Defendants’ own data and lists
6 of separations is admissible, as it aids the trier of fact in deciding the ultimate legal
7 conclusions in the dispute. District courts have accordingly admitted similar expert
8 testimony. *See, e.g., United States v. Pac. Gas & Elec. Co.*, No. 14-cr-00175-THE,
9 2016 U.S. Dist. LEXIS 78102, at *3-5 (N.D. Cal. June 15, 2016) (allowing expert
10 testimony on a “complex regulatory framework”); *Adams v. United States*, No. CV-
11 03-49EBLW, 2009 WL 1085481, at *3 (D. Idaho Apr. 20, 2009) (admitting expert
12 testimony about role of EPA and federal statute in establishing industry standards
13 and regulations, and whether conduct satisfied such standards).

14 Defendants cite cases far afield: Prof. Guggenheim is not testifying as to an
15 ultimate conclusion of federal law before this court, as in *Crow Tribe of Indians v.*
16 *Racicot*, 87 F.3d 1039, 1045 (9th Cir. 1996) (rejecting testimony on the scope of a
17 contract’s term in contract dispute); nor would his testimony impermissibly overlap
18 with criminal jury instructions, *United States v. Brodie*, 858 F.2d 492, 496-97 (9th
19 Cir. 1988). And in *EduMoz, LLC v. Republic of Mozambique*, 968 F. Supp. 2d 1041
20 (C.D. Cal. 2013), *aff’d*, 686 F. App’x 486 (9th Cir. 2017), the court noted it could
21 have considered most statements in a foreign lawyer’s declaration about his
22 country’s legal system, but did not need to do so in deciding the case on other
23 grounds. *See id.* at 1042-45.¹¹

24 In sum, although Defendants may dispute the conclusions of Plaintiffs
25 experts, they should engage them on the merits rather than seek to exclude their
26 testimony altogether. *See Alaska Rent-A-Car, Inc. v. Avis Budget Grp., Inc.*, 738

27
28 ¹¹ For these Same reasons. Ms. Nagda’s conclusions about how these separations
would fare under state law standards is appropriate.

1 F.3d 960, 969–70 (9th Cir. 2013) (“The district court is not tasked with deciding
 2 whether the expert is right or wrong, just whether his testimony has substance such
 3 that it would be helpful to [trier of fact].”).

4 CONCLUSION

5 For these reasons, the Court should deny Defendants’ motion.

6
 7 Dated: September 16, 2019

Respectfully Submitted,

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**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2019, I electronically filed the foregoing with the Clerk for the United States District Court for the Southern District of California by using the appellate CM/ECF system. A true and correct copy of this brief has been served via the Court's CM/ECF system on all counsel of record.

/s/ Lee Gelernt
Lee Gelernt, Esq.
Dated: September 16, 2019

Ms. L. et al., v. U.S. Immigration and Customs Enforcement, et al.

**EXHIBITS TO OPPOSITION TO MOTION TO EXCLUDE PLAINTIFFS'
DECLARATIONS**

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Exhibit A

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Attorneys for Petitioners-Plaintiffs
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**Admitted Pro Hac Vice*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Ms. L., et al.,

Petitioners-Plaintiffs,

v.

U.S. Immigration and Customs Enforcement (“ICE”); U.S. Department of Homeland Security (“DHS”); U.S. Customs and Border Protection (“CBP”); U.S. Citizenship and Immigration Services (“USCIS”); U.S. Department of Health and Human Services (“HHS”); Office of Refugee Resettlement (“ORR”); Thomas Homan, Acting Director of ICE; Greg Archambeault, San Diego Field Office Director, ICE; Joseph Greene, San Diego Assistant Field Office Director, ICE; Adrian P. Macias, El Paso Field Director, ICE; Frances M. Jackson, El Paso Assistant Field Office Director, ICE; Kirstjen Nielsen, Secretary of DHS; Jefferson Beauregard Sessions III, Attorney General of the United States; L. Francis Cissna, Director of USCIS; Kevin K. McAleenan, Acting Commissioner of CBP; Pete Flores, San Diego Field Director, CBP; Hector A. Mancha Jr., El Paso Field Director, CBP; Alex Azar, Secretary of the Department of Health and Human Services; Scott Lloyd, Director of the Office of Refugee Resettlement,

Respondents-Defendants.

Case No. 18-cv-00428-DMS-MDD

**DECLARATION OF DANIEL A.
GALINDO**

CLASS ACTION

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1 I, Daniel A. Galindo, make the following declaration based on my personal
2 knowledge and declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that
3 the following is true and correct:

4 2. I am a Staff Attorney at the ACLU Immigrants' Rights Project and counsel for
5 Plaintiffs in this case. I am an active member of the State Bar of New York and the
6 State Bar of California.

7 3. Attached hereto as Exhibit 1 is a true and correct copy of the curriculum vitae
8 of Professor Jack P. Shonkoff, as provided to me by Dr. Shonkoff.

9 4. Attached hereto as Exhibit 2 is a true and correct copy of the curriculum vitae
10 of Dr. Dora Schriro, as provided to me by Dr. Schriro.

11 5. Attached hereto as Exhibit 3 is a true and correct copy of the curriculum vitae
12 of Professor Martin Guggenheim, as provided to me by Prof. Guggenheim.

13 6. Attached hereto as Exhibit 4 is a true and correct copy of the curriculum vitae
14 of Dr. James Austin and a list of cases in which Dr. Austin has been retained as an
15 expert in the last five years, as provided to me by Dr. Austin.

16 7. Attached hereto as Exhibit 5 is a true and correct copy of the curriculum vitae
17 of Jeanne Ridders, as provided to me by Jeanne Ridders.

18 8. I declare under penalty of perjury under the laws of the United States of
19 America that the foregoing is true and correct.

20 9. Executed in New York, NY, on September 16, 2019.

21
22 

23 DANIEL A. GALINDO
24
25
26
27
28

EXHIBIT 1

**Curriculum Vitae
(Updated May 2019)**

JACK P. SHONKOFF, M.D.

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PRESENT POSITIONS

Julius B. Richmond FAMRI Professor of Child Health and Development,
Harvard T.H. Chan School of Public Health and Harvard Graduate School of Education.
Professor of Pediatrics, Harvard Medical School and Boston Children's Hospital.
Director, Center on the Developing Child, Harvard University.

EDUCATION

1968 A.B. Cornell University, Ithaca, New York
1972 M.D. New York University School of Medicine, New York, New York

HONORARY DEGREES

2006 A.M. (Hon) Harvard University, Cambridge, Massachusetts
2014 Doctor of Public Service (Hon) University of Maryland, Baltimore, Maryland

PROFESSIONAL TRAINING

1972-75 Intern, Assistant Resident, and Senior Resident in Pediatrics, Bronx Municipal
Hospital Center and Albert Einstein College of Medicine, Bronx, New York

1975-76 Fellow in Developmental Pediatrics, Children's Hospital Medical Center and
Harvard Medical School, Boston, Massachusetts

PROFESSIONAL POSITIONS

1976-79 Assistant in Medicine, Children's Hospital Medical Center, Boston, Massachusetts
Staff Pediatrician, Comprehensive Child Health Program (1976-77)
Director, Developmental Consultation Program (1976-79)
Coordinator, Postgraduate Developmental Fellowship (1977-79)

1979-94 Attending Pediatrician, University of Massachusetts Medical Center, Worcester,
Massachusetts
Co- Director, Child Development Service (1979-87)
Director, Fellowship in Ambulatory and Developmental Pediatrics (1981-86)

Director, Fellowship in Developmental and Behavioral Pediatrics (1986-94)
 Chief, Division of Developmental and Behavioral Pediatrics (1987-94)

- 1994-2005 Dean, The Heller School for Social Policy and Management (formerly the Florence Heller Graduate School for Advanced Studies in Social Welfare), Brandeis University
- 1997-2000 Chair, Board on Children, Youth, and Families, Institute of Medicine and the Commission on Behavioral and Social Sciences and Education, National Research Council/ National Academy of Sciences
- 2003-present Founding Chair, National Scientific Council on the Developing Child
- 2006-2011 Founding Chair, National Forum on Early Childhood Policy and Programs
- 2006-present Founding Director, Center on the Developing Child at Harvard University
- 2015-present Founding Director, JPB Research Network on Toxic Stress

ACADEMIC APPOINTMENTS

- 1975-present Harvard Medical School, Boston, Massachusetts
 - Instructor in Pediatrics (1976-79)
 - Lecturer on Pediatrics (1997-2006)
 - Senior Lecturer on Pediatrics (2006-09)
 - Professor of Pediatrics with Tenure (2009)
- 1979-90 Wheelock College, Boston, Massachusetts
 - Instructor, Department of Early Childhood Education (1979-80)
 - Adjunct Assistant Professor, Graduate School (1980-85)
 - Adjunct Associate Professor, Graduate School (1985-90)
- 1979-94 University of Massachusetts Medical School, Worcester, Massachusetts
 - Assistant Professor of Pediatrics (1979-85)
 - Associate Professor of Pediatrics (1985-90)
 - Professor of Pediatrics with Tenure (1990-94)
- 1994-2006 Brandeis University, Waltham, Massachusetts
 - Samuel F. and Rose B. Gingold Professor of Human Development and Social Policy
- 1997-2006 Tufts University School of Medicine, Boston, Massachusetts
 - Adjunct Professor of Family Medicine and Community Health
- 2006-present Harvard T.H. Chan School of Public Health, Boston, Massachusetts
 - Julius B Richmond FAMRI Professor of Child Health and Development
- 2006-present Harvard Graduate School of Education, Cambridge, Massachusetts
 - Julius B Richmond FAMRI Professor of Child Health and Development

VISITING PROFESSORSHIPS AND NAMED LECTURES

1986	Robert Wood Johnson Visiting Research Professor, The University of Rochester School of Medicine and Dentistry, Rochester, New York
1986	Fourteenth Annual Arthur L. Tuuri Interdisciplinary Lecturer, Mott Children's Health Center, Flint, Michigan
1986	Visiting Professor, Sistema Nacional Para el Desarrollo Integral de la Familia, Mexico City, Mexico
1988	Visiting Professor, University of Puerto Rico School of Medicine, San Juan, Puerto Rico
1989	Visiting Professor in Pediatrics, A.I. Dupont Institute, Wilmington, Delaware
1990	Visiting Professor in Pediatrics, University of Vermont School of Medicine, Burlington, Vermont
1990	Koret Visiting Professor in Pediatrics, Pacific Presbyterian Medical Center, San Francisco, California
1991	Third Annual Harrie R. Chamberlin Lecturer and Visiting Professor, University of North Carolina, Chapel Hill, North Carolina
1991	Visiting Professor in Pediatrics, Children's Hospital, Oakland, California
1991	Visiting Professor, Children's National Medical Center, Washington, DC
1991	First Annual Omer H. Foust Lecturer and Visiting Professor, Riley Hospital for Children, Indiana University Medical Center, Indianapolis, Indiana
1991	Twenty-fourth Dr. Louis W. Sauer Lecturer and Visiting Professor, The Evanston Hospital, Evanston, Illinois
1992	Sydney Rosen Commemorative Lecture, Hospital for Sick Children, Toronto, Ontario, Canada.
1992	Visiting Professor, Tel Aviv University, Tel Aviv, Israel
1992	Felton Bequests' Visiting Lecturer, Royal Children's Hospital and Monash Medical Centre, Melbourne, Australia
1994	Fifth Annual John B. Welsh Memorial Lectureship and Visiting Professor, University of California, San Diego Medical Center, San Diego, California
1995	Warren Weiswasser Lecturer and Visiting Professor, Yale University School of Medicine, New Haven, Connecticut

- 1997 Second Annual Dr. Howard R. Rappaport Memorial Lectureship, Mount Sinai School of Medicine, New York, New York
- 1998 Fifth Annual Raymond Keefe, M.D. /Joseph Bellizzi, M.D. Memorial Lecture, St. Francis Hospital and Medical Center, Hartford, Connecticut
- 2002 Fifth Annual Harris Lecture on Infancy, Institute for Infants, Children, and Families, Jewish Board of Family & Children's Services, New York, New York.
- 2004 Cecil G. Sheps Visiting Scholar in Social Justice, University of North Carolina, Chapel Hill, North Carolina.
- 2004 Harris Visiting Scholar, Institute of Child Development, University of Minnesota, Minneapolis, Minnesota.
- 2005 Lipsitt-Duchin Lecture in Child Behavior and Development, Brown University, Providence, Rhode Island
- 2006 Creswick Foundation Visiting Professor in Early Childhood Development, Royal Children's Hospital, Melbourne, Australia
- 2006 Lynne Harris Lecture, College of Medicine, University of Arkansas for Medical Sciences, Little Rock, Arkansas
- 2007 The First Biennial Esther Thelen Memorial "Making a Difference" Lecture, Society for Research in Child Development
- 2007 Annual Invited Lectureship for the Society for Developmental and Behavioral Pediatrics
- 2007 Invited presentation on Neuroscience and Society, Tenth Anniversary Symposium, RIKEN Brain Science Institute, Tokyo, Japan.
- 2008 Paul A. Harper Lecture, Johns Hopkins Bloomberg School of Public Health, Baltimore, Maryland
- 2009 John Kennell Lecture, Rainbow Babies and Children's Hospital, Case Western Reserve University, Cleveland, Ohio
- 2010 Matthew Eappen Grand Rounds Lecture. Children's Hospital Boston. Boston, Massachusetts
- 2012 Steven J. Parker Memorial Lecture. Boston University School of Medicine. Boston, Massachusetts
- 2013 Lawrence Taft Memorial Lecture. UMDNJ-Robert Wood Johnson Medical School. New Brunswick, New Jersey

- 2014 Sulzberger Distinguished Lecture. Duke Center for Child and Family Policy. Duke University. Durham, North Carolina
- 2014 Lucille N. Austin Lecture. Columbia University School of Social Work. New York, New York
- 2016 Twenty-fifth Annual Arnold E. Einhorn Lectureship in Pediatrics. Children's National Health System. Washington, D.C.
- 2018 Paul H. Dworkin Lecture. University of Connecticut School of Medicine. Hartford, Connecticut
- 2019 Paul Goldstein Endowed Lecture. Department of Pediatrics. Yale School of Medicine. New Haven, Connecticut

AWARDS / HONORS

- 1980-83 Kellogg National Fellowship, W. K. Kellogg Foundation
- 1981-82 National Center Fellowship, National Center for Clinical Infant Programs
- 1986 Senator Gerard D'Amico Award, Massachusetts Early Intervention Consortium
- 1986 Excellence in Teaching Award, Presented by Pediatric House Staff, University of Massachusetts Medical School
- 1993 Award for Excellence, Boston Institute for the Development of Infants and Parents
- 1994 Award for Distinguished Contribution to Child Advocacy, American Psychological Association, Division of Child, Youth, and Family Services
- 1996 American Pediatric Society, Elected Membership
- 1999 Institute of Medicine (Renamed National Academy of Medicine), Elected Membership
- 2001 National Associate of the National Academies, Lifetime Appointment
- 2005 C. Anderson Aldrich Award in Child Development, American Academy of Pediatrics
- 2007 Award for Distinguished Contributions to Social Policy, Society for Research in Child Development
- 2016 Shonkoff Amphitheater. Named classroom at The Heller School for Social Policy and Management, Brandeis University

- 2016 Caring for Children Lifetime Achievement Award, Georgetown University and its Center for Child and Human Development
- 2017 Whole Child Award for Visionary Leadership, Simms/Mann Institute
- 2018 2018 ACM Great Friend to Kids Award presented to the Center on the Developing Child at Harvard by the Association of Children's Museums
- 2019 The Lego Prize, The Lego Foundation

SELECTED EDITORIAL / PEER REVIEW ACTIVITIES

- 1983-90 *Child Development*, Consulting Editor
- 1983-95 *Infant Mental Health Journal*, Editorial Board (1983-86), Associate Editor (1987-92), Consulting Editor (1993-95)
- 1984 Grants Review Panel, Division of Maternal and Child Health, U.S. Department of Health and Human Services
- 1985-90 *Journal of Child Neurology*, Editorial Board
- 1987-94 *Topics in Early Childhood Special Education*, Editorial Board
- 1989-94 *Journal of Early Intervention*, Editorial Board
- 1993-94 *Rudolph's Pediatrics – 20th Edition*, Associate Editor
- 1998-2001 *Rudolph's Pediatrics – 21st Edition*, Associate Editor

SELECTED CONSULTATIONS / ADVISORY PANELS / PUBLIC SERVICE

- 1979-94 Pediatric Consultant, Division for Children with Special Health Care Needs, Bureau of Family and Community Health, Massachusetts Department of Public Health
- 1981 Consultant, Panel on Selection and Placement of Students in Programs for the Mentally Retarded, Committee on Child Development Research and Public Policy, Commission on Behavioral and Social Sciences and Education, National Research Council/National Academy of Sciences
- 1982-84 Member, Panel to Review the Status of Basic Research on School-Age Children, Committee on Child Development Research and Public Policy, Commission on Behavioral and Social Sciences and Education, National Research Council/National Academy of Sciences
- 1982-91 Member, Massachusetts Developmental Disabilities Council

1984	Member, Early Childhood Education Policy Task Force, Massachusetts Department of Education
1984-86	Member, Early Childhood Interagency Advisory Board, Division of Special Education, Massachusetts Department of Education
1985-2008	Member, Board of Directors, Zero-To-Three: National Center for Infants, Toddlers, and Families
1985	Consultant, Working Group on Mental Health Services for Children, Office of Technology Assessment, United States Congress
1986	Member, Task Force on the Future of Early Childhood Special Education Programs, Office of Special Education and Rehabilitation Services, United States Department of Education
1987-90	Member, Panel on Child Care Policy, Committee on Child Development Research and Public Policy, Commission on Behavioral and Social Sciences and Education, National Research Council/National Academy of Sciences
1989	Consultant, Workshop on Developmental Follow-up Strategies, National Institutes of Health, U.S. Department of Health and Human Services
1989-90	Member, National Advisory Board, Head Start Evaluation Design Project, Administration for Children, Youth and Families, U.S. Department of Health and Human Services
1990-91	Consultant, National Health/Education Consortium, National Commission to Prevent Infant Mortality and Institute for Educational Leadership, Washington, DC
1991-92	Member, National School Readiness Task Force, National Association of State Boards of Education
1991-92	Member of Planning Committee and Symposium Organizer, National Conference on School Readiness: Scientific Perspectives, Maternal and Child Health Bureau and the Office of the Surgeon General, U.S. Department of Health and Human Services
1991-94	Member, Early Childhood Expert Panel to Establish National Guidelines for Preventive Health Services and Health Promotion, Bright Futures Project, Maternal and Child Health Bureau and Medicaid Bureau, U.S. Department of Health and Human Services
1992	Member, Review Panel, Network on Early Childhood Transitions, John D. and Catherine T. MacArthur Foundation
1992	Consultant, Action Team on School Readiness, National Governors' Association

1994	Consultant, National Education Goals Panel, Washington, DC
1992-93	Steering Group Member, National Forum on the Future of Children and Families, Institute of Medicine and the Commission on Behavioral and Social Sciences and Education, National Research Council/National Academy of Sciences
1993-2001	Board on Children, Youth, and Families, Institute of Medicine and the Commission on Behavioral and Social Sciences and Education, National Research Council/ National Academy of Sciences Vice Chair (1993-97) Chair (1997-2000) Liaison Member, Committee on the Assessment of Family Violence Interventions (1994-97) Member, Roundtable on Head Start Research (1994-97) Chair, Workshops on Child Care (1995-96) Chair, Committee on Integrating the Science of Early Childhood Development (1998-2001)
1993-94	Member, Advisory Committee, National Conference on Research Priorities, Maternal and Child Health Bureau, U.S. Department of Health and Human Services
1994-95	Member, Working Group on Definitions for Children With Special Health Care Needs, Maternal and Child Health Bureau, U.S. Department of Health and Human Services
1995-98	Member, Core Group, John D. and Catherine T. MacArthur Foundation Research Network on Successful Pathways through Middle Childhood
1997	Member, Advisory Board, Center for the Future of Children, David and Lucile Packard Foundation
1997-98	Member, Advisory Committee, Health and Human Services Program, The Heinz Endowments
1998	Member, Director's Advisory Panel on the NICHD Study of Early Child Care, National Institute of Child Health and Human Development, National Institutes of Health
1998	Member, Family and Health Care Working Group, Governor's Transition Team, Commonwealth of Massachusetts
1998-2005	Member, Scientific Core Group, John D. and Catherine T. MacArthur Foundation Research Network on Early Experience and Brain Development
2002-09	Consultant, U.S. Senate Committee on Health, Education, Labor, and Pensions
2002	Consultant, Domestic Policy Advisor to the President, The White House

2007	Consultant, Speaker of the House of Representatives, U.S. Congress
2012-14	Faculty Member, Early Learning Fellowship, National Conference of State Legislators
2019	Testimony on the Government's Family Separation Policy. Congress of The United States. House of Representatives. Committee on Energy and Commerce. Subcommittee on Oversight and Investigations.

HOSPITAL APPOINTMENTS

1976-present	Boston Children's Hospital, Boston, Massachusetts Active Medical Staff (1976-79) Courtesy Medical Staff (1979-90) Consulting Staff (1990-)
1979-94	University of Massachusetts Medical Center, Worcester, Massachusetts, Active Medical Staff
1979-94	St. Vincent Hospital, Worcester, Massachusetts, Courtesy Staff
1979-94	Medical Center of Central Mass, Worcester, Massachusetts, Courtesy Staff

SELECTED PROFESSIONAL MEMBERSHIPS

1977-96	Ambulatory Pediatric Association
1979-present	American Academy of Pediatrics Section on Developmental and Behavioral Pediatrics Executive Committee (1983-88) Program Chairman (1983-85) Awards Committee Chairman (1985-87) Editorial Board, <i>Caring for Your Baby and Young Child</i> (1985-88; 1996)
1980-present	Society for Research in Child Development Publications Committee (1991-98; Chair, 1993-95) Governing Council (1995- 2001)
1982-96	Society for Developmental and Behavioral Pediatrics Program Committee (1983-84)

CERTIFICATION

1973	Diplomate – National Board of Medical Examiners (#122655)
1977	Diplomate – American Board of Pediatrics (#20943)

MEDICAL LICENSURE

1973 New York (#116735)
1975 Massachusetts (#37874)

PUBLICATIONS

Books and Monographs

1. Levine M., Brooks R, Shonkoff J.: *A Pediatric Approach to Learning Disorders*. New York, John Wiley & Sons, 1980.
2. Shonkoff J., Jarman F., Kohlenberg T.: Family transitions, crises, and adaptations. *Current Problems in Pediatrics* 1987; 17: 503-553.
3. Meisels S., Shonkoff J. (eds.): *Handbook of Early Childhood Intervention*. New York, Cambridge University Press, 1990.
4. Shonkoff J., Hauser-Cram P., Krauss M., Upshur C.: Development of Infants with Disabilities and Their Families – Implications for Theory and Service Delivery. *Monographs of the Society for Research in Child Development* 1992; 57(6): Serial number 230.
5. Harel S., Shonkoff J. (eds.): *Early Childhood Intervention and Family Support Programs: Accomplishments and Challenges*. Jerusalem, JDC Brookdale Institutes, 1996.
6. Shonkoff J., Phillips D., Keilty B. (eds.): *Early Childhood Intervention: Views from the Field*. Committee on Integrating the Science of Early Childhood Development, Board on Children, Youth, and Families, Commission on Behavioral and Social Sciences and Education, National Research Council and Institute of Medicine. Washington, DC, National Academy Press, 2000.
7. Shonkoff J., Meisels S. (eds.): *Handbook of Early Childhood Intervention, Second Edition*. New York, Cambridge University Press, 2000.
8. National Research Council and Institute of Medicine: *From Neurons to Neighborhoods: The Science of Early Childhood Development*. Committee on Integrating the Science of Early Childhood Development, Shonkoff J., Phillips D. (eds.) Board on Children, Youth, and Families, Commission on Behavioral and Social Sciences and Education. Washington, DC, National Academy Press, 2000.
9. Hauser-Cram P., Warfield M., Shonkoff J., Krauss M.: Children With Disabilities: A Longitudinal Study of Child Development and Parent Well-being. *Monographs of the Society for Research in Child Development* 2001; 66(3): Serial number 266.

Peer-Reviewed Journal Articles

1. Shonkoff J., Dworkin P., Leviton A., Levine M.: Primary care approaches to developmental disabilities. *Pediatrics* 1979; 64:506-514.

2. Dworkin P., Shonkoff J., Leviton A., Levine M.: Training in developmental pediatrics – How practitioners perceive the gaps. *American Journal of Diseases of Children* 1979; 133:709-712.
3. Shonkoff J.: Biological and social factors contributing to mild mental retardation. In Heller K., Holtzman W., Messick S. (eds): *Placing Children in Special Education: A Strategy for Equity*. Washington, DC, National Academy Press, 1982.
4. Shonkoff J.: The limitations of normative assessments of high risk infants. *Topics in Early Childhood Special Education* 1983; 3(1): 29-43.
5. Shonkoff J.: Social support and the development of vulnerable children. *American Journal of Public Health* 1984; 74:310-312.
6. Shonkoff J.: The biological substrate and physical health in middle childhood. In Collins W. A. (ed.): *Development During Middle Childhood – The Years From Six to Twelve*. Washington, DC, National Academy Press, 1984.
7. Shonkoff J.: Social support and vulnerability to stress. *Pediatric Annals*; 1985; 14:550-554.
8. Mott S., Fewell R., Lewis M., Meisels S., Shonkoff J., Simeonsson R.: Measuring child and family outcomes in early childhood special education programs: Some views from the field. *Topics in Early Childhood Special Education* 1986; 6(2):1-15.
9. Shonkoff J., Hauser-Cram P.: Early intervention for disabled infants and their families – A quantitative analysis. *Pediatrics* 1987; 80: 650-658.
10. Shonkoff J., Hauser-Cram P., Krauss M.W., Upshur C.: Early intervention efficacy research – What have we learned and where do we go from here? *Topics in Early Childhood Special Education* 1988; 8:81-93.
11. Hauser-Cram P., Upshur C., Krauss M., Shonkoff J.: Implications of Public Law 99-457 for early intervention services for infants and toddlers with disabilities. *Social Policy Report*. Washington, DC, Society for Research in Child Development, 1988; 3(3): 1-16.
12. Kruskal M., Thomasgard M., Shonkoff J.: Early intervention for vulnerable infants and their families: An emerging agenda. *Seminars in Perinatology* 1989; 13:506-512.
13. Shonkoff J., Meisels S.: Defining eligibility for services under Public Law 99-457. *Journal of Early Intervention* 1991; 15:21-25.
14. Shonkoff J., Kennell J.: Research in behavioral-developmental pediatrics: New frontiers and elusive boundaries. *Pediatrics* 1992; 90:787-788.
15. Krauss M., Upshur C., Shonkoff J., Hauser-Cram P.: The impact of parent groups on mothers of infants with disabilities. *Journal of Early Intervention* 1993; 17:8-20.

16. Shonkoff J.: Reflections on an emerging academic discipline: The prolonged gestation of developmental and behavioral pediatrics. *Journal of Developmental and Behavioral Pediatrics* 1993; 14:409-412.
17. Farran D., Shonkoff J.: Developmental disabilities and the concept of school readiness. *Early Education and Development* 1994; 5:141-151.
18. Thomasgard M., Metz P., Edelbrock C., Shonkoff J.: Parent-child relationship disorders. Part I. Parental overprotection and the development of the Parent Protection Scale. *Journal of Developmental and Behavioral Pediatrics* 1995; 16:244-250.
19. Thomasgard M., Shonkoff J., Metz P., Edelbrock C.: Parent-child relationship disorders. Part II. The vulnerable child syndrome and its relation to parental overprotection. *Journal of Developmental and Behavioral Pediatrics* 1995; 16:251-256.
20. Newacheck P., Strickland B., Shonkoff J., Perrin J., McPherson M., McManus M., Lauver C., Fox H., Arango P.: An epidemiologic profile of children with special health care needs. *Pediatrics* 1998; 102:117-123.
21. McPherson M., Arango P., Fox H., Lauver C., McManus M., Newacheck P., Perrin J., Shonkoff J., Strickland B.: A new definition of children with special health care needs. *Pediatrics* 1998; 102:137-140.
22. Warfield M., Krauss M., Hauser-Cram P., Upshur C., Shonkoff J.: Adaptation during early childhood among mothers of children with disabilities. *Journal of Developmental and Behavioral Pediatrics* 1999; 20:9-16.
23. Hauser-Cram P., Warfield M., Shonkoff J., Krauss M., Upshur C., Sayer A.: Family influences on adaptive development in young children with Down syndrome. *Child Development* 1999; 70:979-989.
24. Shonkoff J.: Science, policy, and practice: Three cultures in search of a shared mission. *Child Development* 2000; 71:181-187.
25. Warfield M., Hauser-Cram P., Krauss M., Shonkoff J., Upshur C.: The effect of early intervention services on maternal well-being. *Early Education and Development* 2000; 11:499-517.
26. Shonkoff, J.: From Neurons to Neighborhoods: Old and New Challenges for Developmental and Behavioral Pediatrics. *Journal of Developmental and Behavioral Pediatrics* 2003; 24:70-76.
27. Knudsen, E, Heckman, J, Cameron, J, Shonkoff, J.: Economic, neurobiological and behavioral perspectives on building America's future workforce. *Proceedings of the National Academy of Sciences* 2006; 103: 10155-10162.

28. Shonkoff, J.: A promising opportunity for developmental and behavioral pediatrics at the interface of neuroscience, psychology, and social policy. Remarks on receiving the 2005 C. Anderson Aldrich Award. *Pediatrics* 2006; 118:2187-2191.
29. Shonkoff, J., Boyce, W.T., McEwen, B.: Neuroscience, molecular biology, and the childhood roots of health disparities: Building a new framework for health promotion and disease prevention. *Journal of the American Medical Association* 2009; 301(21):2252-2259
30. Shonkoff, J.: Creating the future of early childhood policy: Leveraging science to stimulate innovation. *Issues in Science and Technology*. Fall 2009 p.79-85.
31. Shonkoff, J. Building an enhanced biodevelopmental framework to guide the future of early childhood policy. *Child Development* 2010, 81(1), 343-353.
32. Shonkoff, J., Levitt, P. Neuroscience and the future of early childhood policy: Moving from why to what and how. *Neuron* 2010, 67, 689-691.
33. Shonkoff, J., Bales, S.: Science does not speak for itself: Translating child development research for the public and its policymakers. *Child Development* 2011, 82 (1), 17-32.
34. Shonkoff, J. Protecting brains, not simply stimulating minds. *Science* 2011, 333, 982-983.
35. Shonkoff JP, Richter L, Van der Gaag J, Bhutta Z. An integrated scientific framework for child survival and early childhood development. *Pediatrics* 2012, 129 (2), e460-72
36. American Academy of Pediatrics Committee on Psychosocial Aspects of Child and Family Health, Committee on Early Childhood, Adoption, and Dependent Care, Section on Developmental and Behavioral Pediatrics, Garner AS, Shonkoff, JP. Early childhood adversity, toxic stress, and the role of the pediatrician: Translating developmental science into lifelong health. *Pediatrics* 2012, 129 (1), e224-231.
37. Shonkoff JP, Garner AS, American Academy of Pediatrics Committee on Psychosocial Aspects of Child and Family Health, Committee on Early Childhood, Adoption, and Dependent Care, Section on Developmental and Behavioral Pediatrics. The lifelong effects of early childhood adversity and toxic stress. *Pediatrics* 2012,129 (1), e232-246
38. Shonkoff J: Leveraging the biology of adversity to address the roots of disparities in health and development. *Proceedings of the National Academy of Sciences* 2012; 109: 17302-17307.
39. Shonkoff J, Fisher, P. Rethinking evidence-based practice and two-generation programs to create the future of early childhood policy. *Development and Psychopathology* 2013, 25: 1635–1653
40. Slopen, N., McLaughlin, K., Shonkoff, J. Interventions to improve cortisol regulation in children: A systematic review. *Pediatrics* 2014, 133: 312-326

41. Shonkoff J. Changing the narrative for early childhood investment. *JAMA Pediatrics*. 2014, 168 (2): 105-106
42. Schindler, H., Kholoptseva, J., Oh, S., Yoshikawa, H., Duncan, G., Magnuson, K., Shonkoff, J. Maximizing the potential of early childhood education to prevent externalizing behavior problems: A meta-analysis. *Journal of School Psychology*. 2015, 53(3): 243-263.
43. Slopen, N., Shonkoff, J., Albert, M. A., Yoshikawa, H., Jacobs, A., Stoltz, R., Williams, D. Racial disparities in child adversity in the United States: Interactions with family immigration history and income. *American Journal of Preventive Medicine*. 2016, 50 (1):47–56
44. Boyce, W.T, Shonkoff, J. The course of life and life, of course: A commentary on Ben-Shlomo, Cooper and Kuh. *International Journal of Epidemiology*. 2016, 45 (4):1000-1002
45. Shonkoff, J. Capitalizing on advances in science to reduce the health consequences of early adversity. *JAMA Pediatrics*. 2016,170 (10): 1003-1007.
46. Shonkoff, J., Radner, J., Foote, N. Expanding the evidence base to drive more productive early childhood investment. *The Lancet*. Published online October 4, 2016. [http://dx.doi.org/10.1016/S0140-6736\(16\)31702-0](http://dx.doi.org/10.1016/S0140-6736(16)31702-0). *The Lancet*. 2017, 389 (10064); 14-16.
47. Grindal, T., Bowne, J., Yoshikawa, H., Schindler, H. Duncan, G., Magnuson, K, Shonkoff, J. The added impact of parenting education in early childhood education programs: A meta-analysis. *Children and Youth Services Review*. 2016, 70: 238-249.
48. Shonkoff, J. Rethinking the definition of evidence-based interventions to promote early childhood development. *Pediatrics*. 2017,140(6): e20173136
49. Schindler, H., Fisher, P., & Shonkoff, J. From innovation to impact at scale: Lessons learned from a cluster of research-community partnerships. *Child Development*. 2017, 88(5): 1435-1446
50. McCoy, D., Yoshikawa, H., Ziol-Guest, K., Duncan, G., Schindler, H., Magnuson, K., Yang, R., Koepp, A., & Shonkoff, J. Impacts of early childhood education on medium- and long-term educational outcomes, *Educational Researcher*, 2017;46(8):474-487.
51. Shonkoff, J. Making developmental science accessible, usable, and a catalyst for innovation. *Applied Developmental Science*, 2018 DOI: [10.1080/10888691.2017.1421430](https://doi.org/10.1080/10888691.2017.1421430)
52. Schindler, H., McCoy, D., Fisher, P., & Shonkoff, J. Theories of change: An underutilized tool in early childhood education research. *Early Childhood Research Quarterly* (in press).

Book Chapters

1. Shonkoff J.: The preschool child. In Levine M., Carey W., Crocker A., Gross R. (eds.): *Developmental-Behavioral Pediatrics*. Philadelphia, PA, W.B. Saunders, 1983.

2. Shonkoff, J.: A perspective on pediatric training. In Mulick J., Pueschel S. (eds.): *Parent-Professional Partnerships in Development Disability Services*. Cambridge, MA, The Ware Press, 1983.
3. Shonkoff J.: Family beginnings: Infancy and support. In Kagan S., Powell D., Weissbourd B., Zigler E. (eds.): *America's Family Support Programs*. New Haven, CT, Yale University Press, 1987.
4. Hauser-Cram P., Shonkoff J.: Rethinking the assessment of child focused outcomes. In Weiss H., Jacobs F. (eds.): *Evaluating Family Programs*. New York, NY, Aldine, 1988.
5. Shonkoff J., Meisels J.: Early childhood intervention: The evolution of a concept. In Meisels S., Shonkoff J. (eds.): *Handbook of Early Childhood Intervention*. New York, NY, Cambridge University Press, 1990.
6. Shonkoff J., Marshall P.: Biological bases of development dysfunction. In Meisels S., Shonkoff J. (eds.): *Handbook of Early Childhood Intervention*. New York, NY, Cambridge University Press, 1990.
7. Shonkoff J.: Early intervention programs. In Green M., Haggerty R. (eds.): *Ambulatory Pediatrics*. Fourth Edition. Philadelphia, PA, W.B. Saunders, 1990.
8. Shonkoff J.: Mental retardation. In Behrman R. (ed.): *Nelson Textbook of Pediatrics*. Fourteenth Edition. Philadelphia, PA, W.B. Saunders, 1992.
9. Perrin J., Shonkoff J.: Children with special health needs: An overview. In Behrman R. (ed.): *Nelson Textbook of Pediatrics*. Fourteenth Edition. Philadelphia, PA, W.B. Saunders, 1992.
10. Shonkoff J.: The preschool child. In Levine M., Carey W., Crocker A. (eds.): *Developmental-Behavioral Pediatrics*. Second Edition. Philadelphia, PA, W.B. Saunders, 1992.
11. Shonkoff J.: Developmental vulnerability: New challenges for research service delivery. In Anastasiow N., Harel S. (eds.): *At-risk Infants: Interventions, Families and Research*. Baltimore, Paul H. Brookes, 1993.
12. Thomasgard M., Shonkoff J.: Mental retardation. In Zeanah C. (ed.): *Handbook of Infant Mental Health*. New York, NY, Guilford Publications Inc., 1993.
13. Shonkoff J., Brazelton T.B.: Paradise lost: Delayed parenthood in the carefully planned life. In Fenichel E., Provence S. (eds.): *Development in Jeopardy*. Madison, CT, International Universities Press, 1993.
14. Shonkoff J.: Health surveillance and the development of children. In Friedman S., Haywood H.C. (eds.): *Developmental Follow-up: Concepts, Domains, and Methods*. San Diego, CA, Academic Press, 1994.

15. Shonkoff J., Yatchmink Y.: Helping families deal with bad news. In Parker S., Zuckerman B. (eds.): *Developmental and Behavioral Pediatrics: A Handbook for Primary Care*. Boston, MA, Little Brown & Company, 1994.
16. Shonkoff J.: Child development: Normative process, variation, and disability. In Roberts K. (ed.): *Manual of Clinical Problems in Pediatrics*. Boston, MA, Little Brown & Company, 1994.
17. Hauser-Cram P., Shonkoff J.: Mastery motivation: Implications for intervention. In MacTurk R., Morgan G. (eds.): *Mastery Motivation: Origins, Conceptualizations, and Applications*. Norwood, NJ, Ablex Publishing Corporation, 1995.
18. Shonkoff J.: Mental retardation. In Behrman R. (ed.): *Nelson Textbook of Pediatrics*. Fifteenth Edition. Philadelphia, PA, W.B. Saunders, 1996.
19. Perrin J., Shonkoff J.: Children with special health needs: An overview. In Behrman R. (ed.): *Nelson Textbook of Pediatrics*. Fifteenth Edition. Philadelphia, PA, W.B. Saunders, 1996.
20. Boyce W.T., Shonkoff J. (eds.): Section on developmental-behavioral pediatrics. In Rudolph A., Hoffman J., Rudolph C. (eds.): *Rudolph's Pediatrics*. 20th Edition. Norwalk, CT, Appelton & Lange, 1996.
21. Shonkoff J., Boyce W.T.: Fundamental concepts in child development. In Rudolph A., Hoffman J., Rudolph C. (eds.): *Rudolph's Pediatrics*. 20th Edition. Norwalk, CT, Appelton & Lange, 1996.
22. Boyce W. T., Shonkoff J.: Clinical challenges in development and behavior. In Rudolph A., Hoffman J., Rudolph C. (eds.): *Rudolph's Pediatrics*. 20th Edition. Norwalk, CT, Appelton & Lange, 1996.
23. Shonkoff J.: The continuum of developmental variation to disorder: Late talking to language disorder. In Rudolph A., Hoffman J., Rudolph C. (eds.): *Rudolph's Pediatrics*. 20th Edition. Norwalk, CT, Appelton & Lange, 1996.
24. Shonkoff, J.: Assessing variability in young children with disabilities and their families. In Harel S., Shonkoff J. (eds.): *Early Childhood Intervention and Family Support Programs: Accomplishments and Challenges*. Jerusalem, JDC Brookdale, 1996.
25. Shonkoff J.: Mental retardation. In Behrman R., Kliegman R., & Jenson H. (eds.): *Nelson Textbook of Pediatrics*. Sixteenth Edition. Philadelphia, PA, W.B. Saunders, 2000.
26. Perrin J., Shonkoff J.: Developmental disabilities and chronic illness: An overview. In Behrman R., Kliegman R., & Jenson H. (eds.): *Nelson Textbook of Pediatrics*. Sixteenth Edition. Philadelphia, PA, W.B. Saunders, 2000.
27. Meisels S., Shonkoff J.: Early childhood intervention: A continuing evolution. In Shonkoff J., Meisels S. (eds.): *Handbook of Early Childhood Intervention*. Second Edition. Cambridge University Press, 2000.

28. Shonkoff J., Marshall P.: The biology of developmental vulnerability. In Shonkoff J., Meisels S. (eds.): *Handbook of Early Childhood Intervention*. Second Edition. Cambridge University Press, 2000.
29. Shonkoff J., Lippitt J., Cavanaugh D.: Early childhood policy: Implications for infant mental health. In Zeanah, C. (ed.): *Handbook of Infant Mental Health*. Second Edition. New York, Guilford Press, 2000.
30. Rolla, A., Hinton, C., Shonkoff, J.: Moving towards an interdisciplinary framework: Biology, social interaction, and early childhood development (Hacia un modelo interdisciplinario: Biología, interacción social y desarrollo infantil temprano). In Lipina, S., Sigman, M. (eds.). *La Pizarra de Babel: Puentes Entre Neurociencia, Psicología y Educacion*. Buenos Aires, Argentina: Libros del Zorzal, 2011.
31. Grindal, T., Hinton, C. Shonkoff, J.: The science of early childhood development: Lessons for teachers and caregivers. In Falk, B. (ed.). *In Defense of Childhood*. New York: Teachers College Press, 2012.
32. Radner, J, Shonkoff, J.: Mobilizing science to reduce intergenerational poverty. In Andrews, N., Erickson, D. (eds.): *Investing in What Works for America's Communities*. San Francisco, Federal Reserve Bank of San Francisco and Low Income Investment Fund, 2012.
33. Shonkoff, J & Richter, L.: The powerful reach of early childhood development: A science-based foundation for sound investment. In P. Britto, P. Engle, & C. Super (eds.) *Handbook of Early Childhood Development Research and Its Impact on Global Policy*. Oxford University Press., 2013
34. Shonkoff, J.: A healthy start before and after birth: Applying the biology of adversity to build the capabilities of caregivers. In K. McCartney, H. Yoshikawa, and L. Forcier (eds.). *Improving the Odds for America's Children: Future Directions in Policy and Practice*. Cambridge, MA. Harvard Education Press. 2014.

Book Reviews

1. Shonkoff J.: Review of "Preschool to School – A Behavioral Study" by Richman N., Stevenson J., Graham P.J. *Development Medicine and Child Neurology* 1983; 25:400-401.
2. Shonkoff J.: Review of "The Psychosocial Aspects of Pediatrics" by Prugh D. *Journal of Child Psychology and Psychiatry* 1985; 26: 312-313.
3. Shonkoff J.: Developmental risk through a wide-angle lens. Review of "Early Identification of Children at Risk – An International Perspective" by Frankenberg W., Emde R., Sullivan J. (eds.). *Contemporary Psychology* 1987; 32:54-55.

Editorials (Op-Eds)

1. Shonkoff J.: Hard lessons from a tragedy. *Boston Globe*. November 3, 1997.

2. Shonkoff J.: Education reform fails because we start too late and end too early. *Boston Globe*. November 14, 1999.
3. Shonkoff J.: Getting together for the children. *Boston Globe*. March 19, 2000.
4. Shonkoff J.: Don't ignore mental health. *USA Today*. October 20, 2000.
5. Shonkoff J.: Lay foundation for a child's school success. *Newport News Daily Press*. November 28, 2000.
6. Shonkoff J., Phillips D.: If our kids are more aggressive, what would help? Better caregivers. *St. Louis Post Dispatch*. May 3, 2001. (also appeared in the *Beaumont Enterprise* and *Daytona News Journal*).
7. Shonkoff J.: Preventing toxic stress in children. Syndicated: *Shanghai Daily*, *Stabroek News*, *Tapei Times*, *Korea Herald*, *Burma Digest*, *South China Morning Post*, *Guatemala Times*, *Jordan Times*, *New Times-Rwanda*, *Gulf Times-Qatar*, *Cyprus Mail*, *Al Watan Daily – Kuwait*. May 8-28, 2009.
8. Shonkoff J.: Separated families and the urgency of the ticking clock. *The Texas Tribune*. July 23, 2018.

Other Publications

1. Levine M., Maroney E., Clark T., Crocker A., Dworkin P., Shonkoff J.: *Preparing Pediatricians for Handicapped Children*. Report from an interdisciplinary national symposium on training in developmental pediatrics. Washington, DC, Bureau of Education for the Handicapped, U.S. Office of Education, 1978.
2. Shonkoff J., Dworkin P., Clark T.: *Developmental Pediatrics – An Annotated Bibliography*. Bureau of Education for the Handicapped, U.S. Office of Education, 1978.
3. Levine M., Clark T., Shonkoff J.: A plan for the training of pediatricians in the care of children with special educational needs. In Smith J. (ed.): *A Consumer's Guide to Personnel Preparation Programs: Thirty Projects/A Conspectus*. Albuquerque, University of New Mexico, Teacher Education/Special Education, 1979.
4. Shonkoff J., Clark T., Schechter N.: *Training Manual in Developmental Pediatrics*. Boston, Division of Ambulatory Services, Children's Hospital Medical Center, 1979.
5. Shonkoff J.: *Changing Concepts in Infancy in American Society – Implications for Developmental Assessment and Early Intervention Programs in the First Three Years of Life*. Report to W.K. Kellogg Foundation, 1981.
6. Shonkoff J.: Child development and pediatric training – Commentary. *Newsletter of the Society for Research in Child Development*. Winter, 1984.

7. Shonkoff J.: Development of a comprehensive system of care for chronically ill children and their families. In Gibson W. (ed.): *The Care of Chronically Ill Children and Their Families*. Elizabethtown, PA, Pennsylvania State University, 1985.
8. Gilkerson L., Hilliard A., Schrag E., Shonkoff J.: Commenting on P.L.99-457. *Zero-to-Three* 1987; 7(3): 13-17.
9. Green M., Ferry P., Russman B., Shonkoff J., Taft L.: Early intervention programs: Where do pediatricians fit in? *Contemporary Pediatrics* 1987; 4(3): 92-118.
10. Shonkoff J., Hauser-Cram P., Krauss M.W., Upshur C.: A community of commitment – Parents, programs, and the Early Intervention Collaborative Study. *Zero-to-Three* 1988; 8(5):1-7.
11. Shonkoff J.: Point-counterpoint on the clumsy child. *Pediatrics in Review* 1990; 11:261.
12. Shonkoff J., Hauser-Cram P., Krauss M., Upshur C.: *The Early Intervention Collaborative Study – Final Report of Phase One*. Springfield, Virginia, National Technical Information Service, U.S. Department of Commerce, 1990.
13. Shonkoff J.: Some thoughts about early intervention and Public Law 99-457: Tensions, myths, and challenges. *Newsletter of the Boston Institute for the Development of Infants and Parents* 1991; 9(2):1-7.
14. Shonkoff J., Hauser-Cram P., Krauss M.W., Upshur C., Antaki K., Steele A.: *An Investigation of Resilience in High Risk Preschoolers: Classroom Behaviors of Children with Disabilities*. Paper prepared for the Foundation for Child Development, 1992.
15. Shonkoff J.: Early intervention research: Asking and answering meaningful questions. *Zero-to-Three* 1992; 12(3): 7-9.
16. Shonkoff J.: *The Conceptualization and Measurement of Child and Family Health*. Paper commissioned by the National Center for Education Statistics, U.S. Department of Education, 1992. Shonkoff J.: *Physical Health and the Concept of School Readiness*. Paper commissioned by the National Education Goals Panel, 1992.
17. Shonkoff J.: A pediatric perspective on child development and behavior: Implications for adult medicine. *Medical Encounter* 1993; 10(1): 12-14.
18. Shonkoff J.: Health care policy and Part H services: Early intervention as a concept (not a separate program). In Gallagher J., Fullagar P. (eds.): *The Coordination of Health and Other Services for Infants and Toddlers with Disabilities: The Conundrum of Parallel Service Systems*. Chapel Hill, NC, University of North Carolina at Chapel Hill, 1993.
19. Shonkoff J.: Blending science and advocacy: Foundation for a rational policy for early childhood intervention. *The Child, Youth, and Family Services Quarterly*. 1993; 16(4):11-13.
20. Shonkoff J.: Child care for low-income families. *Young Children*. 1995; 50(6):63-65.

21. Shonkoff J.: Commentary on “Reactions to a threatened loss of a child: A vulnerable child syndrome” by M. Green and A. Solnit, *Pediatrics*, 1964; 34:58-66. *Pediatrics*, 1998; 102(Suppl): 239-241.
22. Shonkoff J., Green M.: Commentary on “Child development: A basic science for pediatrics” by J. Richmond, *Pediatrics*, 1967; 39:649-658. *Pediatrics*, 1998; 102(Suppl.): 243-245.
23. Shonkoff J., Phillips D.: From neurons to neighborhoods: The science of early childhood development --- An introduction. *Zero To Three*, 2001; 21(5): 4-7.
24. Greenough W., Gunnar M., Emde R., Massinga R., Shonkoff J.: The impact of the caregiving environment on young children's development: Different ways of knowing. *Zero To Three*, 2001; 21(5): 16-23.
25. Shonkoff J.: Neurons to Neighborhoods offers insight on early development. *AAP News*, 2001; 19(2): 81.
26. Shonkoff J.: A call to pour new wine into old bottles. *Journal of Early Intervention*, 2002; 25:105-107.
27. Shonkoff J.: Still waiting for the right questions. *American Journal of Preventive Medicine*, 2003; 24:3(Supplement) 4-5.
28. Shonkoff, J.: *Science, policy, and the developing child: Closing the gap between what we know and what we do*. Chicago: Ounce of Prevention Fund, 2004
29. Shonkoff, J.: Evaluating early childhood services: What’s really behind the curtain? *The Evaluation Exchange*, 10(2): 3-4. Summer 2004. Harvard Graduate School of Education.
30. Shonkoff, J.: The non-nuclear option: Strong families and healthy children require social investment to complement the heroics of modern parenting. *The American Prospect*, May 2005, pp. A18-20.
31. Shonkoff J.: *The science of early childhood development: Closing the gap between what we know and what we do to build a strong foundation for a prosperous and cohesive society*. Concept paper for the Board of Directors of Thrive by Five. Seattle: Bill & Melinda Gates Foundation, 2006
32. Knudsen, E, Heckman, J, Cameron, J, Shonkoff, J.: Economic, neurobiological and behavioral perspectives on building America's future workforce. *NBER Working Paper Series*. Working Paper # 12298. JEL No. J24, 2006 (Reprinted from *Proceedings of the National Academy of Sciences* 2006; 103: 10155-10162).
33. Shonkoff, J. Building a foundation for prosperity on the science of early childhood development. *Pathways: A Magazine on Poverty, Inequality, and Social Policy*. Winter 2011, 10-15.

34. Fox, N. Shonkoff, J. (2011) Violence and development: How persistent fear and anxiety can affect young children's learning, behavior and health. *Early Childhood Matters*. (June) 8-14.
35. Shonkoff J: Strengthening adult capacities to improve child outcomes: A new strategy for reducing intergenerational poverty. *Spotlight on Poverty and Opportunity*. April 22, 2013.
36. Shonkoff, J. Commentary on: Sibinga EM, Webb L. Ghazarian SR, & Ellen JM. School-based mindfulness instruction: An RCT. *Pediatrics*. 2016;137(1):e20152532. In Cabana M (ed.): *Yearbook of Pediatrics*. Philadelphia, Elsevier, Inc., 2017.
37. Shonkoff, J. A proposal for science-based R&D in early childhood. Policy Brief published by American Enterprise Institute. 2017

Abstracts

1. Shonkoff J., Dworkin P., Leviton A., Levine M.: *Assessment and management of developmental problems in pediatric practice*. Presented to Ambulatory Pediatric Association. New York, New York. April 25, 1978.
2. Dworkin P., Shonkoff J., Leviton A., Levine M.: Acquisition of knowledge and training needs in developmental pediatrics. *Pediatric Research* 1978; 12(4):445. Presented to American Pediatric Society and The Society for Pediatric Research. New York, New York. April 28, 1978.
3. Shonkoff J., Clark T., Schechter N.: *Postgraduate training in developmental pediatrics*. Presented to Ambulatory Pediatric Association. Atlanta, Georgia. April 30, 1979.
4. Shonkoff J.: *Policy implications of early childhood assessment*. Presented at National Center for Clinical Infant Programs Fellowship Conference. New Haven, Connecticut. January 14, 1982.
5. Shonkoff J.: A critical look at early intervention programs for developmentally vulnerable infants. *Journal of Developmental and Behavioral Pediatrics* 1984; 5:150-151.
6. Shonkoff J.: Late talkers: Assessment dilemmas and management alternatives. *Journal of Developmental and Behavioral Pediatrics* 1984; 5:287-288.
7. Shonkoff J., Townes P.: Normal intelligence in a child with 46, XY, r 18/45, XY, -18. *Pediatric Research* 1985; 19(4): 253A.
8. Shonkoff J., Hauser-Cram P., Krauss M.W., Upshur C.: Early intervention for disabled infants and their families – A quantitative analysis of program impacts. *Journal of Developmental and Behavioral Pediatrics* 1986; 7:199. Presented to Society for Behavioral Pediatrics. Washington, DC. May 9, 1986.
9. Shonkoff J.: *Early intervention for disabled infants and their families – Current Knowledge and future directions for policy and research*. Presented to Society for Research in Child Development, Baltimore, Maryland. April 23, 1987.

10. Upshur C., Hauser-Cram P., Shonkoff J., Krauss M.W., DiVitto B., Knowles A.: *A multi-state review of early intervention services and programs*. Presented to American Psychological Association. New York, New York. August 30, 1987.
11. Krauss M.W., Hauser-Cram P., Upshur C., Shonkoff J.: *Rearing a child with disabilities: Differences between mothers and fathers in reported stress*. Presented to Society for Research in Child Development. Kansas City, Missouri. April 30, 1989.
12. Shonkoff J., Hauser-Cram P., Krauss M.W., Upshur C.: Impact of type and severity of disability on differences in family adaptation. *American Journal of Diseases of Children* 1989; 143:431. Presented to Combined Session of Ambulatory Pediatric Association and Society for Pediatric Research. Washington, DC. May 4, 1989.
13. Hauser-Cram P., Krauss M.W., Shonkoff J., Upshur C.: *Predictors of growth in the spontaneous play skills of children with disabilities*. Presented to the Society for Research in Child Development. Seattle, Washington. April 20, 1991.
14. Thomasgard M., Metz W.P., Edelbrock C., Shonkoff J.: Relation between parental overprotection and the vulnerable child syndrome. *American Journal of Diseases of Children* 1992; 146:467. Presented to Ambulatory Pediatric Association. Baltimore, Maryland. May 5, 1992.
15. Thomasgard M., Metz W.P., Edelbrock C., Shonkoff J.: Parent Protection Scale for children age 2-5 years. *American Journal of Diseases of Children* 1992; 146:467. Presented to Ambulatory Pediatric Association. Baltimore, Maryland. May 5, 1992.
16. Kohlenberg T., Shonkoff J.: Predictors of depression and parenting stress in pregnant teens. *American Journal of Diseases of Children* 1992; 146:459. Presented to Ambulatory Pediatric Association. Baltimore, Maryland. May 5, 1992.
17. Shonkoff J., Krauss M.W., Upshur C., Hauser-Cram P.: Correlates of elevated stress among parents of infants with disabilities. *American Journal of Diseases of Children* 1992; 146:485. Presented to the Ambulatory Pediatric Association. Baltimore, Maryland. May 6, 1992.
18. Shonkoff J., Hauser-Cram P., Upshur C., Krauss M.W.: Mother-child interaction and the development of infants with disabilities. *American Journal of Diseases of Children*. 1992; 146:485. Presented to Ambulatory Pediatric Association. Baltimore, Maryland. May 6, 1992.
19. Shonkoff J.: *Conceptual issues in the development of vulnerable infants: Findings from the Early Intervention Collaborative Study*. Presented to Society for Research in Child Development. New Orleans, Louisiana. March 27, 1993.
20. Shonkoff J., Upshur C.: *Changes in the impact of the caregiving environment on emerging child competencies*. Presented to Society for Research in Child Development. New Orleans, Louisiana. March 27, 1993.

21. Thomasgard M., Metz W.P., Edelbrock C., Shonkoff J.: Differences in health care utilization between parents who perceive their child as vulnerable versus overprotective parents. *American Journal of Diseases of Children* 1993; 147:420. Presented to Ambulatory Pediatric Association. Washington, DC. May 4, 1993.
22. Thomasgard M., Metz W.P., Edelbrock C., Shonkoff J.: Relation between parental overprotection and the vulnerable child syndrome for children 5-10 years. *American Journal of Diseases of Children* 1993; 147:452. Presented to Ambulatory Pediatric Association. Washington, DC. May 5, 1993.
23. Shonkoff J., Hauser-Cram P., Warfield M., Krauss M.W.: *Early predictors of child social competence and maternal adaptation in 5 year old children with special needs*. Presented to Society for Research in Child Development. Indianapolis, Indiana. March 30, 1995.
24. Hauser-Cram P., Warfield M., Bronson M., Krauss M.W., Shonkoff J., Upshur C.: *Family influences on changes in school competence of young children with Down syndrome*. Presented to Society for Research in Child Development. Washington, DC. April 4, 1997.
25. Krauss M.W., Warfield M., Hauser-Cram P., Shonkoff J.: *Peeling the onion: The complexity of understanding parental adaptation to a child with a disability*. Presented to the Society for Research in Child Development. Washington, DC. April 6, 1997.
26. Shonkoff J., Heckman J., Knudsen E., Cameron J., Duncan G.: *The convergence of child development, neuroscience, and economics to guide early childhood policy*. Presented to the Society for Research in Child Development. Atlanta, Georgia. April 9, 2005

Publications of the National Scientific Council on the Developing Child, National Forum on Early Childhood Policy and Programs, and Center on the Developing Child

1. National Scientific Council on the Developing Child. (2004). *Young Children Develop in an Environment of Relationships*. Working Paper No.1 <http://www.developingchild.harvard.edu>
2. National Scientific Council on the Developing Child. (2004). *Children's Emotional Development is Built into the Architecture of their Brain*. Working Paper No. 2. <http://www.developingchild.harvard.edu>
3. National Scientific Council on the Developing Child. (2005 / 2009 / 2014). *Excessive Stress Disrupts the Architecture of the Developing Brain*. Working Paper No. 3. <http://www.developingchild.harvard.edu>
4. National Scientific Council on the Developing Child. (2006). *Early Exposure to Toxic Substances Damages Brain Architecture*. Working Paper No. 4. <http://www.developingchild.harvard.edu>
5. National Scientific Council on the Developing Child. (2007). *The Science of Early Childhood Development: Closing the Gap Between What We Know and What We Do*. <http://www.developingchild.harvard.edu>

6. Center on the Developing Child. (2007). *A Science-Based Framework for Early Childhood Policy: Using Evidence to Improve Outcomes in Learning, Behavior, and Health for Vulnerable Children*. <http://www.developingchild.harvard.edu>
7. National Scientific Council on the Developing Child. (2007). *The Timing and Quality of Early Experiences Combine to Shape Brain Architecture*. Working Paper No. 5. <http://www.developingchild.harvard.edu>
8. National Forum on Early Childhood Program Evaluation. (2007). *Early Childhood Program Evaluations: A Decision-Maker's Guide*. <http://www.developingchild.harvard.edu>
9. National Scientific Council on the Developing Child (2008). *Mental Health Problems in Early Childhood Can Impair Learning and Behavior for Life*. Working Paper No. 6. <http://www.developingchild.harvard.edu>
10. National Forum on Early Childhood Program Evaluation (2008). *Workforce Development, Welfare Reform, and Child Well-Being*. Working Paper No. 7. <http://www.developingchild.harvard.edu>
11. Center on the Developing Child at Harvard University (2009). *Maternal Depression Can Undermine the Development of Young Children*: Working Paper No. 8. <http://www.developingchild.harvard.edu>
12. National Scientific Council on the Developing Child (2010). *Persistent Fear and Anxiety Can Affect Young Children's Learning and Development*: Working Paper No. 9. <http://www.developingchild.harvard.edu>
13. National Scientific Council on the Developing Child (2010). *Early Experiences Can Alter Gene Expression and Affect Long-Term Development*: Working Paper No. 10. <http://www.developingchild.harvard.edu>
14. Center on the Developing Child at Harvard University (2010). *The Foundations of Lifelong Health Are Built in Early Childhood*. <http://www.developingchild.harvard.edu>
15. Center on the Developing Child at Harvard University (2011). *Building the Brain's "Air Traffic Control" System: How Early Experiences Shape the Development of Executive Function*: Working Paper No. 11. <http://www.developingchild.harvard.edu>
16. National Scientific Council on the Developing Child (2012). *The Science of Neglect: The Persistent Absence of Responsive Care Disrupts the Developing Brain*: Working Paper No. 12. <http://www.developingchild.harvard.edu>
17. Center on the Developing Child at Harvard University (2014). *A Decade of Science Informing Policy: The Story of the National Scientific Council on the Developing Child*. <http://www.developingchild.net>

18. National Scientific Council on the Developing Child (2015). *Supportive Relationships and Active Skill-Building Strengthen the Foundations of Resilience: Working Paper No. 13*. <http://www.developingchild.harvard.edu>
19. Center on the Developing Child at Harvard University (2016). *Building Core Capabilities for Life: The Science Behind the Skills Adults Need to Succeed in Parenting and in the Workplace*. <http://www.developingchild.harvard.edu>
20. Center on the Developing Child at Harvard University (2016). *From Best Practices to Breakthrough Impacts. A Science-Based Approach to Building a More Promising Future for Young Children and Families Facing Adversity*. <http://www.developingchild.harvard.edu>
21. Center on the Developing Child at Harvard University (2016). *Applying the Science of Child Development in Child Welfare Systems*. <http://www.developingchild.harvard.edu>
22. Center on the Developing Child at Harvard University (2017). *Three Principles to Improve Outcomes for Children and Families*. <http://www.developingchild.harvard.edu>
23. National Scientific Council on the Developing Child. (2018). *Understanding Motivation: Building the Brain Architecture That Supports Learning, Health, and Community Participation: Working Paper No. 14*. <http://www.developingchild.harvard.edu>

GRANTS, CONTRACTS, AND GIFTS

1980-83	Kellogg National Fellowship W.K. Kellogg Foundation \$30,000
1980-83	Project Director, UMMC Child Development Service Massachusetts Department of Mental Health \$389,650
1980-83	Project Director, UMMC Child Development Service Massachusetts Department of Public Health \$455,460
1983-92	Project Director, Early Intervention and Family Support Program Massachusetts Department of Public Health \$2,399,257
1984-85	Principal Investigator, A Collaborative Assessment of Early Intervention for Disabled Infants and their Families Grant MCJ-253384, Division of Maternal and Child Health, BHCDA, USDHHS \$45,000

1984-85	Principal Investigator, A Collaborative Assessment of Early Intervention Services for Disabled Infants and their Families Jessie B. Cox Charitable Trust \$45,000
1985-88	Principal Investigator, Early Intervention for Disabled Infants and the Families: A Collaborative Study of its Impacts Jessie B. Cox Charitable Trust \$160,000
1986-89	Principal Investigator, Early Intervention: A Collaborative Study of Its Impacts Grant MCJ-250533, Division of Maternal and Child Health, BHCDA, USDHHS \$1,069,842
1986-94	Project Director, Training Program in Behavioral and Developmental Pediatrics Grant MCJ-9092, Bureau of Maternal and Child Health and Resources Development, USDHHS \$1,225,669
1987-88	Project Director, <i>Handbook of Early Childhood Intervention</i> The Harris Foundation \$10,000
1987	Principal Investigator, Early Intervention Collaborative Study – Phase II Jessie B. Cox Charitable Trust \$50,000
1989-91	Principal Investigator, An Investigation of Resilience in High Risk Preschoolers Foundation for Child Development \$107,567
1989-93	Principal Investigator, Early Intervention Collaborative Study: Preschool Phase Grant MCJ-250583, Maternal and Child Health Bureau, USDHHS \$1,234,800
1989-93	Principal Investigator, An Investigation of Resilience in High Risk Preschoolers Massachusetts Department of Education \$350,138
1993-96	Principal Investigator, Early Intervention Collaborative Study: A School-Focused Follow-up at Age 8 Massachusetts Department of Education \$306,745
1994-98	Principal Investigator, Early Intervention Collaborative Study: Age 10 Follow-up Grant MCJ-250544, Maternal and Child Health Bureau, USDHHS \$944,767

1998-2001	Principal Investigator, Maternal and Child Health Policy Center for Excellence Grant MCJ-259639, Maternal and Child Health Bureau, USDHHS \$323,231
1999-2003	Co-Investigator, Early Intervention Collaborative Study Phase IV: Adolescence Grant R40 MC001770, Maternal and Child Health Bureau, USDHHS Subcontract 792-1 from Boston College (\$145,739)
2001-04	Principal Investigator, Massachusetts Early Childhood Linkage Initiative A.L. Mailman Family Foundation, Inc. \$130,375
2003-06	Project Director, Heller School Building Project Health Resources and Services Administration, U.S. Department of Health and Human Services \$1,885,000
2003-04	Chair, National Scientific Council on the Developing Child Ewing Marion Kauffman Foundation \$200,000
2003-05	Co-Investigator, Massachusetts Early Childhood Linkage Initiative Annie E. Casey Foundation \$100,000
2003-07	Chair, National Scientific Council on the Developing Child Johnson & Johnson Pediatric Institute \$300,000
2004-09	Chair, National Scientific Council on the Developing Child John D. and Catherine T. MacArthur Foundation \$950,000
2004-09	Chair, National Scientific Council on the Developing Child Susan A Buffett Foundation \$500,000
2005	Project Director, Heller School Building Project Schneider Family Foundation \$15,000,000
2005-09	Chair, National Scientific Council on the Developing Child The Buffett Early Childhood Fund \$1,100,000

2007-08	Chair, National Forum on Early Childhood Program Evaluation McCormick Tribune Foundation \$250,000
2007-09	Chair, National Scientific Council on the Developing Child Pierre and Pamela Omidyar Fund \$1,030,000
2007-09	Chair, National Forum on Early Childhood Policy and Programs The Buffett Early Childhood Fund \$1,150,000
2007-10	Chair, National Forum on Early Childhood Policy and Programs Anonymous Donor \$425,000
2008-10	Principal Investigator, Global Children's Initiative Ozyegin Foundation \$750,000
2008-12	Project Director, Communications Norlien Foundation \$500,000
2009-10	Project Director, Comparative Assessment of the Impact of Early Adversity on Mental and Physical Health Across the Life Span George Kaiser Family Foundation \$1,125,000
2009-11	Project Director, The Tulsa Children's Project George Kaiser Family Foundation \$2,174,451
2009-11	Project Director, Science-Policy-Practice Network on Child Mental Health The Norlien Foundation \$2,300,000
2010-13	Project Director, The Early Childhood Innovation Project / Frontiers of Innovation Birth-To-Five Policy Alliance \$2,600,000
2007-present	Project Director, Center on the Developing Child at Harvard University The Buffett Early Childhood Fund \$12,500,000

2010-12	Project Director, Center on the Developing Child at Harvard University Casey Family Programs Foundation \$1,800,000
2011-12	Project Director, Global Children's Initiative Pierre and Pamela Omidyar Fund \$450,000
2011-13	Project Director, Center on the Developing Child at Harvard University W.K. Kellogg Family Foundation \$3,345,000
2011-13	Project Director, The Early Childhood Innovation Project / Frontiers of Innovation Robert Wood Johnson Foundation \$300,000
2011-15	Project Director, Center on the Developing Child at Harvard University The Norlien Foundation \$2,250,000
2011-17	Project Director, Frontiers of Innovation The Bezos Family Foundation \$7,900,000
2011-17	Project Director. Center on the Developing Child: Knowledge Translation and Communication Doris Duke Charitable Foundation \$1,900,000
2012-15	Project Director, Núcleo Ciência Pela Infância Jorge Paulo Lemann Foundation \$750,000
2012-17	Project Director, Frontiers of Innovation Bill & Melinda Gates Foundation \$1,000,000
2013-16	Project Director, Frontiers of Innovation Alliance for Early Success \$900,000
2013-15	Project Director, Center on the Developing Child at Harvard University The Barr Foundation \$1,218,000

2013-18	Project Director, Frontiers of Innovation Annie E. Casey Foundation \$1,400,000
2013-15	Project Director, Frontiers of Innovation Child Welfare Fund \$220,000
2013-14	Project Director, Planning Grant for National Research Consortium on Toxic Stress and Health The JPB Foundation \$240,000
2014-19	Project Director, Frontiers of Innovation Hemera Foundation \$3,700,000
2015-21	Project Director, JPB Research Network on Toxic Stress The JPB Foundation \$13,500,000
2015	Project Director, Frontiers of Innovation Robert Wood Johnson Foundation \$725,000
2015-18	Project Director, Center on the Developing Child at Harvard University Palix Foundation (formerly Norlien Foundation) \$1,300,000
2015-17	Project Director, Expanding the Frontiers of Innovation in Latin America Omidyar Network \$2,900,000
2016-17	Project Director, Center on the Developing Child Startup: Education \$750,000
2016-19	Project Director, Center on the Developing Child The David and Lucile Packard Foundation \$750,000
2016-18	Project Director, Frontiers of Innovation Einhorn Family Charitable Trust \$500,000

2016-19	Project Director, A Partnership to Advance Science-Based Innovation and Learning through Play The LEGO Foundation \$3,087,095
2016-20	Project Director, Frontiers of Innovation Tikun Olam Foundation \$450,000
2017-21	Project Director, Djokovic Science and Innovation Fellowship Novak Djokovic Foundation \$400,000
2017-20	Project Director, Frontiers of Innovation Genentech, Inc. \$650,000
2017-21	Project Director, Frontiers of Innovation Pritzker Children's Initiative \$4,052,250
2017	Project Director, Building an Innovation Ecosystem for the Early Childhood Field Chan Zuckerberg Initiative \$555,000
2017	Project Director, Exploration of Utilizing Science-Based Innovation in Programming Auxillium/Porticus \$313,440
2017-18	Project Director, Executive Leadership Program in Early Childhood Development Bernard van Leer Foundation \$250,000
2018	Project Director, National Scientific Council/Center on the Developing Child Simms-Mann Family Foundation \$250,000
2018-20	Project Director, Supporting Mobilization of Science-Based Innovation Omidyar Network \$1,000,000
2018-21	Project Director, Building an Innovation Ecosystem and New Metrics for the Early Childhood Field Chan Zuckerberg Initiative \$3,000,000

2019-21	Project Director, Building a Global Platform for Science-Based, Early Childhood Policy and Practice Porticus \$1,500,000
2019-20	Project Director, Working Group on the Science of Adversity and Resilience Foster Family Funds \$100,000

EXHIBIT 2

DORA B. SCHRIRO, Ed.D. J.D.

EXECUTIVE EXPERIENCE

State of Connecticut, Middletown CT (2014 – 2018)

Commissioner, Department of Emergency Services & Public Protection (2014 – 2018)

CT Homeland Security Advisor (2016 – 2018), both, appointed by Gov. Dannel Malloy

CT State Police, Emergency Management & Homeland Security, Scientific Services, Fire Prevention & Control, Police Officer Standards & Training, and Statewide Telecommunications

- Top Secret security clearance
- FY2018 operating budget, \$185M; federal grants, \$348M; bond funding, \$79M; 1817 employees
- Focus: Public Safety & Service, Homeland Security, and Emergency Response, Recovery & Resiliency
- Accomplishments: 1. Comprehensive procedural justice effort with body-worn cameras all state police on patrol, civilian complaint process, 21st century curricula for state & local law enforcement, an investigative protocol for officer-involved shootings, annual reports of uses of force, traffic stops and police pursuits, mandatory police agency accreditation, and ICE-interface protocol; 2. Drug intervention & enforcement including a dark-web opioid taskforce, equipping all troopers and training first responders to administer naloxone; 3. Other harm reduction efforts including a multi-jurisdictional cybersecurity investigative unit, comprehensive gun control, community-focused active shooter preparedness, wrap-around DV safety and support, and K-12 & post-secondary school safety planning, and Ebola & Zika first responder protocols

City of New York, New York, New York (2009 – 2014)

Commissioner, New York City Department of Correction, appointed by Mayor Michael Bloomberg

- Responsible for adult detention, prisoner processing, and operation of criminal court pens, an average of 12,000 inmates daily and 100,000 pretrial and city-sentenced inmate admissions annually
- FY2014 operating budget, \$1.065B, capital budget, \$691.9M; 10,440 employees
- Focus: Special Populations management; Intake, Classification and Discharge Planning; Staff Accountability; Alternatives to Punitive Segregation; Alternatives to Detention
- Accomplishments: 1st U.S. Social Impact Bond program funded city adolescent pre-release; Justice Reinvestment funded pre-release preparation for adults; pre-trial & post-plea diversion opportunities for the mentally ill; comprehensive reform of punitive segregation with clinical alternatives for special populations; centralized intake with classification, gang identification, and discharge planning

US Department of Homeland Security, Washington DC (2009 – 2009)

Senior Advisor to Secretary on ICE Detention and Removal, appointed by DHS Sec. Janet Napolitano

Director, ICE Office of Detention Policy and Planning, appointed by ICE Asst. Sec. John Morton

- Focus: Design a civil detention system satisfying all safety and security needs and legal requirements
- Authored, 2009 *Report on ICE Detention Policies and Practices: A Recommended Course of Action for Systems Reform*, DHS' adopted template for improving the operation of immigration detention
- Improved the efficiency and effectiveness and increased the transparency of ICE detention operations; reforms included closing the Hutto FRC, instituting the detainee look-up, death-in-detention reviews

State of Arizona, Phoenix, Arizona (2003 – 2009)

Department Director, Arizona Department of Corrections, appointed by Gov. Janet Napolitano

- Responsible for adult corrections and community supervision including 39,000 inmates and 7,200 parolees daily and 55,000 felons annually (21,000 admissions/11,500 case openings)
- FY2009 operating budget, \$1.23B; 9,750 employees
- Focus: Systems reform, re-entry, victim services, strategic planning, privatization oversight
- Winner, 2008 Innovations in American Government, first ever prison-based reform awards recipient

City of St. Louis, St. Louis, Missouri (2001 – 2003)

Commissioner of Corrections, St. Louis City Department of Public Safety, Division of Corrections

- Responsible for adult detention, prisoner processing, and city probation and parole including 1,500 jail inmates and 2,000 offenders on supervision daily (9,000 admissions/63,000 bookings annually)
- FY2003 operating budget, \$68M; 615 employees
- Focus: Population management, alternative sentencing initiatives, staff development
- Opened and operated the city's first combined police prisoner processing and detention center

State of Missouri, Jefferson City, Missouri (1993 – 2001)

Department Director, Missouri Department of Corrections, appointed by Gov. Mel Carnahan

- Responsible for adult corrections and probation and parole services including 28,000 prisoners and 65,000 offenders on community supervision daily, 35,000 admissions/72,000 case openings annually
- FY2002 operating budget, \$500M; 11,000 employees
- Focus: Capital construction, systems and sentencing reform, litigation reduction, restorative justice
- Winner, Council of State Governments Innovations award program; four-time Innovations in American Government Finalist and Semi-Finalist

City of St. Louis, St. Louis Missouri (1989 – 2001)

Correctional Superintendent, St. Louis City Division of Corrections, Department of Public Safety

- Responsible for 600 pre-trial and city sentenced inmates, 4,000 admissions annually
- FY1993 operating budget, \$26M; 210 employees
- Focus: Court oversight, overcrowding, certified juveniles, community relations

City of New York, New York, New York (1984 – 1989)

Assistant Commissioner, New York City Department of Correction, appointed by Mayor Ed Koch

- Responsible for design and delivery of inmate programs services, programs development, grants
- Services provided to 100,000 pre-trial and city sentenced inmates annually by 200 employees
- Focus: Public-funded and accredited education, school-aged inmates; contracts management

Assistant Deputy Director, Office of the Mayor, Coordinator of Criminal Justice

- Grants administration, federal and state funded systems reforms, \$189M annually
- Focus: administration of intermediate sanctions, policy analysis, applied research

CONSULTING SERVICES

Dora B Schriro Consulting Services LLC (est. 2013)

EDUCATION

St. Louis University, St. Louis, Missouri, Juris Doctorate, School of Law (2002)

Columbia University, New York, New York, Doctor of Education, Teachers College (1984)

University of Massachusetts at Boston, Massachusetts, Master of Education (1980)

Northeastern University, Boston, Massachusetts, Bachelor of Arts cum laude (1972)

MANAGERIAL PROGRAMS

Council of State Governments, Toll Fellowship (2018)

Harvard University, JFK School of Government, Innovations in Governance (2005)

Harvard University, JFK School of Government, Strategic Public Sector Negotiations (1996)

Harvard University, JFK School of Government, Senior Executives in State and Local Government (1992)

HONORS AND AWARDS, INNOVATIONS

Innovations in American Government, 2008 Winner, Getting Ready: Keeping Communities Safe
Innovations in American Government, 2000 Semi-finalist, Correcting Corrections
Innovations in American Government, 1999 Semi-finalist, Constituent Services
Innovations in American Government, 1998 Semi-finalist, Pre-Promotional Training
Innovations in American Government, 1997 Finalist, Constituent Services
Council of State Governments, 1998 Innovations Award Winner, Waste Tire to Energy
Council of State Governments, 1997 Innovations Award Regional Finalist, Pre-Promotional Training
Council of State Governments, 1996 Innovations Award Finalist, Constituent Services

OTHER HONORS AND AWARDS

U.S. Department of Justice, Office for Victims of Crime, Allied Professional Award, 2012
Florida Immigrant Advocacy Center, American Justice Award, 2011
Hofstra University (Hempstead, New York) Presidential Medal, 2010
National Governors Association, Distinguished Service to State Government Award, 2006
Arizona Parents of Murdered Children, Filling Empty Shoes, 2006 Honoree
Farmingdale Public Schools (Farmingdale, New York), Wall of Fame, 2001 Inductee
St. Louis Forum, Trailblazer Award, 2000
Association of Correctional Administrators, Michael Francke Award for Outstanding Leadership, 1999
Jefferson City (Missouri) Ten Most Influential Women, 1998
Missouri Governor Award for Quality and Productivity, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000
Missouri Governor Torch of Excellence Gold Award, 1999
Missouri Governor Torch of Excellence Award, 1997
International Association of Correctional Training Personnel Award, Pre-Promotional Training, 1996
Women's Self-Help Center, Twenty Distinguished Women, 1996
St. Louis (Missouri) YWCA Special Leadership Award for a Government Official, 1995
Jefferson City (Missouri) News Tribune Statesman of the Month, June 1995

PUBLICATIONS, IMMIGRATION DETENTION REFORM

Weeping in the Playtime of Others: The Obama Administration's Failed Reform of ICE Family Detention Practices in Journal on Migration and Human Security, The Law that Begot the Modern U.S. immigration Enforcement System: IIRIRA 20 Years Later (December 2018)
Women and Children First: An Inside Look at the Impediments to Reforming Family Detention in the U.S. in Challenging Immigration Detention, ed. by Flynn and Flynn. Edward Elgar Publishing (September 2017)
Afterword, Intimate Economies, Anomie and Moral Ambiguity in Intimate Economies of Immigration Detention: Critical Perspectives, ed. by Conlon and Hiemstra. Routledge Publishers (2016)
Improving Conditions of Confinement for Immigrant Detainees: Guideposts toward a Civil System of Civil Detention in The New Deportation Delirium, ed. by Kanstroom and Lykes. NYU Press (2015)
Family Immigration Detention: The Past Cannot be Prologue, co-author, ABA Commission on Immigration (2015)
Envisioning a Civil System of Civil Detention: Our Opportunity, Our Challenge (Foreword) in Outside Justice, ed. by Brotherton, Stageman and Leyro. Springer Press (2013)
Improving Conditions of Confinement for Criminal Inmates and Immigrant Detainees, American Criminal Law Review, Georgetown University Law Center (Fall 2010)
The 2009 Report on ICE Detention Policies and Practices: A Recommended Course of Action for Systems Reform, U.S. Department of Homeland Security (October 2009)
Rethinking Civil Detention and Supervision, Arizona Attorney (July – August 2009)

PUBLICATIONS, CORRECTIONS REFORM

Smart and Safe: Making the Most of Adolescents' Time in Detention, the Physical Plant, Our Workforce, and the "What Works" Literature, in *The State of Criminal Justice*, American Bar Association (2013)

Corrections: The Justice-Involved Mentally Ill, A Practitioner's Perspective, in *The State of Criminal Justice*, American Bar Association (2012)

Good Science, Good Sense: Making Meaningful Change Happen – A Practitioner's Perspective, *Criminology & Public Policy*, Vol. 11, No. 1, Special Issue (February 2012)

Is Good Time a Good Idea? *Federal Sentencing Reporter*, Vol. 21, No. 3 (February 2009)

Correcting Corrections: The Arizona Plan: Creating Conditions for Positive Change in Corrections, *Confronting Confinement: A Report of the Commission on Safety and Abuse in American Prisons* (2006)

Missouri's Parallel Universe: Blueprint for Effective Prison Management, *Corrections Today* (April 2001)

Correcting Corrections: Missouri's Parallel Universe, *Papers from the Executive Sessions on Sentencing and Corrections*, U.S. Department of Justice, Office of Justice Programs (May 2000)

Avoiding Inmate Litigation: The 'Show-Me' State Shows How, *Sheriff's Magazine*, (March – April 1999)

Best Practices: Excellence in Corrections, American Correctional Association (August 1998)

Reducing Inmate Litigation, *Corrections Today* (August 1998)

Corrections Management Quarterly, Issue Editor, Aspen Publications (1997)

Currents, Leadership St. Louis, Danforth Foundation (1992)

What Makes Correctional Education Educational, *Journal of Correctional Education* (September 1986)

Safe Schools, Sound Schools, ERIC Clearinghouse on Urban Education (January 1985)

What Works with Serious Juvenile Offenders: US Experience, *Juvenile Delinquency in Australia* (1984)

What Makes Correctional Education Educational: Ethnography of an Instructionally Effective School, University Microfilm (1983)

STANDARDS, SENTENCING AND RELATED CIVIL-CRIMINAL JUSTICE REFORM ACTIVITIES

Women's Refugee Commission, Commissioner (2012–2019)

American Bar Association, Commission on Immigration, Special Advisor (2019–2020)

American Bar Association, Commission on Immigration, Advisory Board Member (2017–2019)

American Bar Association, Commission on Immigration, Standards for the Custody, Placement and Care; Legal Representation, and Adjudication of Unaccompanied Alien Children in the United States (2018)

U.S. Dept. of Homeland Security, DHS Family Residential Ctr. Advisory Committee, member (2015–2016)

American Bar Association, Commission on Immigration, Commissioner (2014–2016)

American Bar Association, Corrections Committee, Co-chair, Standing Subcommittee on Punitive Segregation, (2012 – 2014)

American Bar Association, Commission on Immigration, Civil Detention Standards Task Force (2011–2012)

American Bar Association, Criminal Justice Standards Subcommittee, ACA representative (2005–2008)

Arizona State University School of Law, Sentencing Policy Seminar (2004–2005)

Arizona Attorney General Sentencing Advisory Committee (2004–2008)

St. Louis University School of Law, Instructor, Sentencing Policy Seminar (2000–2002)

Missouri Sentencing Advisory Commission, Vice Chair (1994–2001)

U.S. Department of Justice Executive Sessions on Sentencing and Corrections, in conjunction with Harvard University JFK School of Government and University of Minnesota Law School (1997–2000)

Partnership for Criminal Justice Workshop, Institute on Criminal Justice, University of Minnesota Law School, State Partner (1997–2000)

State Sentencing and Corrections Program, Vera Institute of Justice, National Associate (1999–2002)

U.S. Dept. of Justice, Bureau of Justice Assist., Discretionary Grant Program, Peer Reviewer (1994–2002)

PRE-DOCTORAL EMPLOYMENT, LECTURING AND RELATED EXPERIENCE

Employment

- Director, Correctional Education Consortium, Long Island City, New York (1982 - 1983)
- Supervising Social Worker, Franklin Public Schools, Franklin, Massachusetts (1978 - 1981)
- Director, Adult and Continuing Education, Franklin Public Schools, Franklin, MA (1978 - 1981)
- Director, Staff Development, Wrentham State School, Wrentham, Massachusetts (1977 - 1978)
- Contract Program Manager, Medfield-Norfolk Prison Project, Medfield, Massachusetts (1974 - 1976)

Academic Experience

- Instructor, Arizona State University School of Law, Corrections Law Seminar (2005 - 2008)
- Instructor, St. Louis University School of Law, Sentencing Policy (2000 - 2002)
- Senior Policy Fellow, Public Policy Research Center, University of Missouri-St. Louis (2001)
- Visiting Lecturer, Strategic Planning, National Institute of Corrections (1998 - 2002)
- Adjunct Professor, Criminal Justice, University of Missouri-St. Louis (1990 - 1998)
- Adjunct Professor, Criminal Justice, Long Island University at C.W. Post (1986 - 1988)
- Instructor, Innovation, Open Center of New York City (1987)
- Teaching Assistant, Field Research Methodology, Administrative Intern to the School Superintendent, Franklin Public Schools, Franklin, Massachusetts (1979)
- Visiting Lecturer, Special Education, Framingham State College, Framingham, Massachusetts (1979)
- Adjunct Professor, Psychology, Fischer Junior College, Boston, Massachusetts (1978)

Related Activities

- Institutional Research Board, St. Louis University (2002 - 2003)
- Institutional Research Board, University of Missouri-St. Louis (2001 - 2003)

Contact information:

611 King Avenue
City Island, NY 10464
917-710-7029
dora.schriro@gmail.com

Professional References available upon request

EXHIBIT 3

MARTIN GUGGENHEIM
New York University School of Law
245 Sullivan Street
New York, New York 10012
(212) 998-6460
martin.guggenheim@nyu.edu

Employment:

NEW YORK UNIVERSITY SCHOOL OF LAW:
Fiorello LaGuardia Professor of Clinical Law

Co-Director, Family Defense Clinic
Acting Faculty Director, Hays Civil Liberties Program

Courses:

Child, Parent & State (Seminar)
Family Defense Clinic (Clinic and Seminar)
Advanced Family Defense Clinic
Education Advocacy Clinic & Clinic Seminar

Previous Positions:

New York University School of Law:
Professor of Clinical Law, 1980-2005
Associate Clinical Professor of Law, 1977-1980
Assistant Clinical Professor of Law, 1975-1977
Clinical Instructor in Law, 1973-1975

American Civil Liberties Union:
Acting Director, Juvenile Rights Project, 1975-1976
Staff Counsel, Juvenile Rights Project, 1976-1979

The Legal Aid Society - Juvenile Rights Division:
Trial Attorney, Special Litigation Unit, 1972-1974
Staff Counsel, Trial Division, 1971-1972

Present Professional Activities:

Advisor	American Law Institute, Restatement on Children and the Law
Member	New York State Commission on Parental Legal Representation

Founding Organizer	National Alliance for Parent Representation American Bar Association
Founding Board	Center for Family Representation, New York City
President	National Coalition for Child Protection Reform
Founding Board	Clinical Law Review
Member	Juvenile Justice Subcommittee, American Bar Association Section on Criminal Justice

Public Interest Litigation:

I have an extensive pro bono litigation record at all levels of the state and federal courts. Among the cases in which I have been chief counsel are:

Santosky v. Kramer, 455 U.S. 745 (1982)
Lehman v. Lycoming County Children's Services Agency, 458 U.S. 502 (1982)
Schall v. Martin, 467 U.S. 253 (1984)

Past Professional Activities:

Founding Organizer	National Parents' Counsel Steering Committee American Bar Association (2007 – 2016)
Board of Advisors	Administration for Children's Services, New York City (1996 – 2013)
Member	New York University Human Subjects Committee (1990 – 2013)
Member	Mayor's Advisory Committee on the Judiciary (2008 - 2010)
Lead Advisor	Maestral International, L.L.C. - UNICEF Project (2009 – 2012)
Advisor	National Science Foundation, Merit Review Process (2008 – 2012)
Consultant	Annie E. Casey Foundation, Evaluator of Legal Services Delivery for Parental Representation in New Jersey (2004 - 2005)
Director	Clinical and Advocacy Programs, New York University School of Law (1987 - 2002)
Executive Director	Washington Square Legal Services, Inc. (1987-2000)

Board of Advisors	Edna McConnell Clark Foundation, Children's Program Advisory Committee (1996 - 2001)
Member	Judiciary Committee, Ass'n of Bar of the City of New York (2002 - 2005)
Board of Directors	Brennan Center for Justice (1995 - 2001)
Board of Advisors	Family Preservation Project, Brooklyn Legal Services (1992 - 1995)
Consultant	American Academy of Matrimonial Lawyers, Special Concerns of Children Committee (1992 - 1995 and 1999 - 2002)
Member	Skills Training Committee, American Bar Association Section of Legal Education and Admissions to the Bar (1989 - 1993)
Consultant	Mayor's Commission on Special Education, New York City Board of Education (1984 - 1985)
Board of Directors	Statewide Youth Advocacy (1981 - 1983)
Member	Committee on Family Court and Family Law, Association of the Bar of the City of New York (1980 - 1985)
Consultant	American Bar Association/Institute of Judicial Administration, Juvenile Justice Standards Project (1979 - 1982)
Member	Temporary State Commission on Child Welfare, Subcommittee of Juvenile Delinquency (1975 - 1977)
Member	Juvenile Justice Task Force, New York State Division of Criminal Justice Services - Standards and Goals Program (1975 - 1977)

Publications:

Books:

REPRESENTING PARENTS IN CHILD WELFARE PROCEEDINGS (American Bar Association 2015) (with Vivek Sankaran co-editor)

TRIAL MANUAL FOR DEFENSE ATTORNEYS IN JUVENILE COURT (2014) (American Bar Association) (with Randy Hertz & Anthony G. Amsterdam)

WHAT'S WRONG WITH CHILDREN'S RIGHTS (2007) (Harvard University Press)

THE RIGHTS OF FAMILIES (1996) (N. Ill. Press) (with Alex Lowe & Diane Curtis)

THE RIGHTS OF YOUNG PEOPLE (1985) (Avon Press) (with Alan Sussman)

THE RIGHTS OF PARENTS (1980) (Avon Press) (with Alan Sussman)

Articles and Chapters in Books (selected):

Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare, 102 CHILD & YOUTH SERV. REV. 42 (2019) (with Lucas Gerber, Yuk Pang, Timothy Ross, Peter Pecora and Joel Miller)

The History and Influence of the National Association of Counsel for Children – An Alternative Perspective, 39 CHILD LEGAL RTS. J. 12 (2019)

The (Not So) New Law of the Child, 127 YALE L.J. F. 950 (2018)

“The Due Process Revolution in Juvenile Court – New York and the Early Years after Gault,” *in* RIGHTS, RACE, AND REFORM: 50 YEARS OF CHILD ADVOCACY IN THE JUVENILE JUSTICE SYSTEM (Laura Cohen, Kristin Henning, and Ellen Marris, eds. 2018)

Barry Feld: An Intellectual History of a Juvenile Court Reformer, 17 NEVADA L. J. 371 (2017)

Discovering Family Defense: A History of the Family Defense Clinic at NYU School of Law, 41 N.Y.U. REV. L. SOC. CHANGE 539 (2017) (with Chris Gottlieb and Madeleine Kurtz)

Selling Kids Short: How “Rights for Kids” Turned into “Kids for Cash,” 88 TEMPLE L. REV. 653 (2016) (with Randy Hertz)

The Importance of Family Defense, 48 FAM. LAW QUART. 597 (2015)

Violent Video Games and the Rights of Children and Parents: A Critique of Brown v. Entertainment Merchants Association, 41 HASTINGS CONST. L. Q. 707 (2014)

Funding the People’s Right, 15 N.Y.U. J. LEGIS. & PUB. POL’Y, 619 (2012) (with Julian Darwall)

The People’s Right to a Well-Funded Indigent Defender System, 36 N.Y.U. REV. L. SOC. CHANGE 395 (2012)

Graham v. Florida and a Juvenile's Right to Age-Appropriate Sentencing, 47 HARV. C.R.-C.L. L. REV. 457 (2012)

J.D.B. and the Maturing of Juvenile Confession Suppression Law, 38 WASH. U. J.L. & POL'Y 109 (2012) (with Randy Hertz)

The AAML's Revised Standards for the Representation of Children in Custody and Visitation Proceedings: The Reporter's Perspective, 22 JOUR. AMER. ACAD. MAT. LAWYERS 251 (2009)

Polygamy and Child Welfare, 46 HOUST. L. REV. 759 (2009)

Rediscovering Third-Party Visitation under the Common Law in New York: Some Uncommon Answers, 33 N.Y.U. REV. L. SOC. CHANGE 153 (2009)

Parental Rights in Child Welfare Cases in New York City Family Courts, 40 COLUM. J. L & SOC. PROBS. 507 (2007)

A Law Guardian by Any Other Name: A Critique of the Matrimonial Commission Report, 27 PACE L. REV. 785 (2007)

How Children's Lawyers Serve State Interests, 6 NEVADA L. J. 805 (2006)

Ratify the U.N. Convention on the Rights of the Child, But Don't Expect Any Miracles, 20 EMORY INT'L L. REV. 43 (2006)

Justice Denied: Delays in Resolving Child Protection Cases in New York, 12 VA. J. SOC. POLICY & LAW 546 (2005) (with Christine Gottlieb)

"When Should Courts be Empowered to Make Child Rearing Decisions?," in A HANDBOOK OF DIVORCE AND CUSTODY: FORENSIC, DEVELOPMENTAL & CLINICAL PERSPECTIVES (Linda Gunsberg & Paul Hymowitz, eds. 2005)

Stealth Indoctrination: Forced Speech in the Classroom, 2004 U. CHI. LEGAL F. 57

Maximizing Strategies for Pressuring Adults to do Right By Children, 45 ARIZONA L. REV. 765 (2003)

The Making of the Model Third-Party (Non-Parental) Contact Statute: The Reporter's Perspective, 18 JOUR. AMER. ACAD. MAT. LAWYERS 15 (2002)

Minor Rights: The Adolescent Abortion Cases, 30 HOFSTRA L. REV. 589 (2002) (The Sidney and Walter Siben Distinguished Professorship Lecture, October 24, 2001)

"Child Welfare Policy and Practice in the United States from 1950 - 2000," in CROSS-CURRENTS: FAMILY LAW IN ENGLAND AND THE UNITED STATES SINCE WORLD WAR II (Sanford Katz, John Eekelaar, and Mavis Maclean, eds. 2000)

Somebody's Children: Sustaining the Family's Place in Child Welfare Policy, REVIEW OF ELIZABETH BARTHOLET'S NOBODY'S CHILDREN: ABUSE AND NEGLECT, FOSTER DRIFT, AND THE ADOPTION ALTERNATIVE, 113 HARV. L. REV. 1716 (2000)

The Foster Care Dilemma and What to do About It: Is the Problem that Too Many Children Are Not Being Adopted Out of Foster Care or That Too Many Children Are Entering Foster Care?, 2 U. PA. JOUR. CON. L. 141 (1999)

Counseling Counsel for Children, Review of JEAN KOH PETERS'S REPRESENTING CHILDREN IN CHILD PROTECTIVE PROCEEDINGS, ETHICAL AND PRACTICAL DIMENSIONS, 97 MICH. L. REV. 1488 (1999)

Reflections on Judges, Juries, and Justice: Ensuring the Fairness of Juvenile Court Trials, 33 WAKE FOREST L. REV. 533 (1998) (with Randy Hertz)

Reconsidering the Need for Counsel for Children in Custody, Visitation and Child Protection Proceedings, 29 LOYOLA UNIV. CHI. L. J. 299 (1998)

Preventive Detention and the Judicial Prediction of Dangerousness for Juveniles: A Natural Experiment, 86 J. CRIM. LAW & CRIMINOLOGY 415 (1996) (with Jeffrey Fagan)

A Paradigm for Determining the Role of Counsel for Children, 64 FORD. L. REV. 1501 (1996)

"Family Law," in FUNDAMENTALS OF AMERICAN LAW (Alan Morrison, ed., 1996)

The Making of Standards for Representing Children in Custody and Visitation Proceedings: The Reporter's Perspective, 13 JOUR. AMER. ACAD. MAT. LAWYERS 201 (1995)

The Effects of Recent Trends to Accelerate the Termination of Parental Rights of Children in Foster Care -- An Empirical Analysis in Two States, 29 FAM. LAW QUART. 121 (1995)

Fee-Generating Clinics: Can We Bear the Costs?, 1 CLINICAL LAW REV. 677 (1995)

"The Best Interests of the Child: Much Ado about Nothing?" in CHILD, PARENT

AND STATE: LAW AND POLICY READER (Randall Humm, et al., eds. 1994)

"The Effect of Tort Law on Child Welfare Liability," in LIABILITY IN CHILD WELFARE AND PROTECTION WORK: RISK MANAGEMENT STRATEGIES (Marcia Sprague & Robert M. Horowitz, eds., 1991)

Pretrial Detention and Punishment, 75 MINN. L. REV. 335 (1990) (with Marc Miller)

State Supported Foster Care: The Interplay Between the Prohibition of Establishing Religion and the Free Exercise Rights of Parents and Children, 56 BROOKLYN L. REV. 603 (1990)

"The Child's Access to Diverse Intellectual, Artistic and Recreational Resources," in CHILDREN'S RIGHTS IN AMERICA: U.N. CONVENTION ON THE RIGHTS OF THE CHILD COMPARED WITH UNITED STATES LAW (Cynthia Price Cohen & Howard. A. Davidson eds., 1990)

"Constitutional and Due Process Concerns: Juvenile and Family Court of the Future," in FAMILIES IN COURT (Merry Hofford, ed., 1989)

"Waivers and Pre-Hearing Detention," in THE PREDICTION OF CRIMINAL VIOLENCE (Francis Dutile & Clyde Faust, eds., 1987)

Divided Loyalties: Musings on Some Ethical Dilemmas for the Institutional Criminal Defense Attorney, 14 N.Y.U. REV. L. SOC. CHANGE 13 (1986)

Incorrigibility Laws - The State's Role in Resolving Intra-Family Conflict, 4 CRIMINAL JUSTICE ETHICS 11 (1985)

The Right to be Represented but Not Heard: Reflections on Counsel for Children in Judicial Proceedings, 59 N.Y.U. L. REV. 76 (1984) reprinted in David Westfall, FAMILY LAW (1994)

State Intervention in the Family: Making A Federal Case Out of It, 45 OHIO ST L.J. 399 (1984)

The Political and Legal Implications of the Psychological Parenting Theory, 12 N.Y.U. REV. L. SOC. CHANGE 549 (1984)

Review, LOVE AND THE AMERICAN DELINQUENT, 77 COLUM. L. REV. 1735 (1978)

Review, CRISIS IN THE FAMILY, THE CIVIL LIBERTIES REVIEW, Vol. 5, No. 2 (July/Aug. (1978))

Paternalism, Prevention and Punishment: Pretrial Detention of Juveniles, 52 N.Y.U. L. REV. 1064 (1977)

Other Legal Publications (selected):

New Study Shows Providing Parents With Multidisciplinary Legal Representation in Child Welfare Cases Furthers Everyone's Interests, 20 CHILDREN'S BUREAU EXPRESS (July-August 2019)

Providing Parents Multidisciplinary Legal Representation Significantly Reduces Children's Time in Foster Care, ABA, Child Law Practice Today June 4, 2019 (with Susan Jacobs)

Dark Days for Children's Rights, 56 FAM. CT. REV. 349 (2018)

"A New National Movement in Parent Representation," in CLEARINGHOUSE REVIEW 44 (May-June 2013) (with Susan Jacobs)

"Lassiter v. Department of Social Services," in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (David S. Tanenhaus, ed. MacMillan/Gale (2008)

"Moore v. City of East Cleveland," in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (David S. Tanenhaus, ed. MacMillan/Gale (2008)

"Santosky v. Kramer," in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (David S. Tanenhaus, ed. MacMillan/Gale 2008)

"Stanley v. Illinois," in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (David S. Tanenhaus, ed. (MacMillan/Gale 2008)

"Child Abuse," in LAW & SOCIETY ENCYCLOPEDIA (David S. Clark, ed. Sage 2007)

"Termination of Parental Rights," in THE PRAEGER HANDBOOK OF ADOPTION (Vern Bullough & Kathy Stolley, eds. Praeger Press 2006)

The Court v. Good Sense, 12 CHILD WELFARE WATCH 21 (2005-2006) (with Christine Gottlieb)

Symposium, "Advocating for Change; The Status and Future of America's Child Welfare System, 30 Years After CAPTA," 3 Cardozo Pub. L., Pol'y & Ethics J. 359 (2005)

“Ethical Considerations in Child Welfare Cases: The Law Guardian’s Perspective,” in PRACTISING LAW INSTITUTE LITIGATION AND ADMINISTRATIVE PRACTICE COURSE HANDBOOK SERIES (2003)

MODEL THIRD-PARTY (NON-PARENTAL) CONTACT STATUTE (Am. Acad. Matrimonial Lawyers 2002) (Reporter)

Symposium, “The Rights of Parents with Children in Foster Care,” 6 N.Y. City L. Rev. 61 (2000)

“Ethical Considerations in Child Welfare Cases: Duties of the Law Guardian and the Parent’s Attorney,” in PRACTISING LAW INSTITUTE LITIGATION AND ADMINISTRATIVE PRACTICE COURSE HANDBOOK SERIES (1998)

PRINCIPLES FOR APPOINTMENT OF REPRESENTATIVES FOR CHILDREN IN CUSTODY AND VISITATION PROCEEDINGS (American Bar Association and National Council of Juvenile and Family Court Judges) (1997) (Principal Draftsperson)

REPRESENTING CHILDREN: STANDARDS FOR ATTORNEYS AND GUARDIANS AD LITEM IN CUSTODY OR VISITATION PROCEEDINGS, (Am. Acad. Matrimonial Lawyers 1995) (Reporter)

THE CRIMINAL JUSTICE SYSTEM AND THE FAMILY, A Report on the Eighth Annual Retreat of the Council on Criminal Justice of the Association of the Bar of the City of New York (1990)

Scalia Says Father Doesn’t Know Best, LEGAL TIMES, p.15, col. 1 (July 10, 1989)

Recusal of Judges in Juvenile Bench Trials, 2 CRIMINAL JUSTICE 26 (Summer 1987)

Juvenile Justice and the Rehabilitative Ideal, 2 CRIMINAL JUSTICE 24 (Spring 1987)

How to Conduct a Dispositional Hearing, 1 CRIMINAL JUSTICE 24 (Winter 1986)

Conducting a Bench Trial, 1 CRIMINAL JUSTICE 20 (Fall 1986)

The Treatment of Juveniles in our Court System, 1 CRIMINAL JUSTICE 25 (Summer 1986)

ABUSE AND NEGLECT VOLUME, American Bar Association/Institute for Judicial Administration, Juvenile Justice Standards Project (1982) (Special Editor)

Abolishing the Juvenile Justice System, 15 TRIAL 22 (January 1979), reprinted in Sanford Fox, MODERN JUVENILE JUSTICE (2d ed. 1981)

The 'Violent' Juvenile Offender, NEW YORK LAW JOURNAL, (May, 1976); reprinted in 48 NEW YORK STATE BAR JOURNAL 550 (Nov. 1976)

Representative Legislative Testimony

Hearings before House Judiciary Committee, Subcommittee on the Constitution, *An Amendment to the Constitution Concerning Parental Rights and Education* (July 18, 2012)

Special Hearing of the New York State Assembly Standing Committee on Children and Families, *Role of Law Enforcement in Child Welfare Matters in the City of New York* (December 16, 1997)

Hearings before House Judiciary Committee, Subcommittee on the Constitution, *Parental Rights and Responsibilities Act* (October 26, 1995)

Special Hearing of the New York State Assembly Standing Committee on Children and Families, *Family Preservation: Preventive Services, Adoptions and Foster Care* (December 1, 1993)

Hearings before Senate Judiciary Committee, Subcommittee on Juvenile Justice, *Juvenile Pretrial Detention* (June 10, 1984)

Hearings before House Judiciary Committee, Subcommittee on Crime, *Protection of Children against Sexual Exploitation* (November 2, 1977)

Education:

New York University School of Law
J.D. - 1971
Arthur Garfield Hays Civil Liberties Fellowship
Criminal Law Education and Research Fellowship

State University of New York (Buffalo)
B.A. – 1968

Honors:

Kathryn A. McDonald Award, Association of the Bar of the City of New York (2017)

CUNY Law Review Scholarship for Social Justice Award (2016)

Podell Distinguished Teaching, Award New York University School of Law (2015)

American Law Institute (Elected) (2015)

American Bar Association, Center on Children and the Law, Champion of Justice Award (2013)

Keynote Address, Access to Equal Justice Colloquium, Washington University School of Law (2010)

Fellow, American Bar Foundation (2007)

Livingston Hall Award, American Bar Association (2006)

Nanette Dembitz Lecture, New York County Bar Association (2005)

Distinguished Visiting Scholar, University of Loyola School of Law, Chicago (Feb. 2004)

Chief of United States Delegation to XII International Congress on Family Law (Havana, Cuba, September, 2002)

Legal Information Families Today (LIFT) 2002 Honoree

The Sidney and Walter Siben Distinguished Professorship Lecture, Hofstra University School of Law (2001)

Kathryn A. McDonald Award, Association of the Bar of the City of New York (2000)

Law Alumni Teaching Award, New York University School of Law (1996)

Association of American Law Schools, Section on Clinical Legal Education Award for Outstanding Contribution to Clinical Legal Education for work in creating the Clinical Law Review (1995)

EXHIBIT 4

James Austin

MAJOR POSITIONS HELD

2003 – Present	<i>President, The JFA Institute, Washington, D.C.</i>
1999 -2003	<i>Research Professor and Director, Institute for Crime, Justice, and Corrections, Department of Sociology, The George Washington University, Washington, D.C.</i>
1982 - 1998	<i>Executive Vice President</i> National Council on Crime and Delinquency San Francisco and Washington, D.C.
1974 - 1982	<i>Research Associate</i> National Council on Crime and Delinquency San Francisco
1970 - 1974	<i>Correctional Sociologist</i> Illinois Department of Corrections Joliet, Illinois

EDUCATION

B.A.	1970, Wheaton College, Wheaton, Illinois, Sociology
M.A.	1975, De Paul University, Chicago, Illinois, Sociology
Ph.D.	1980, University of California, Davis, California, Sociology

RELEVANT PROFESSIONAL EXPERIENCE

2015 – present	MacArthur Foundation Safety and Justice Challenge in which JFA is responsible for working with 20 local counties to design and implement plans to lower current jail populations by 15-30%.
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2016 – present	Maryland Department of Public Safety and Correctional Services, Technical Assistance funded by Open Society Institute-Baltimore.
2012 - present	Orleans Parish Prison Population Projections and Jail Reduction Strategic Plan.
2014 - present	Validation study of the San Francisco Adult Probation Risk and Needs Assessment System (COMPAS), San Francisco County.
2005 – 2014	Director, Design and Evaluation of the Maryland Department of Public Safety and Corrections (MDPSC) Risk and Case Management System (Parole, Probation and Prison). MDPSC and Open Society Institute-Baltimore.
2014 - 2015	Master Jail Plan, Sonoma County.
2011 – 2016	Monitor, Consent Decree, Walnut Group Correctional Facility, Mississippi Department of Corrections (adult and juvenile populations)
2010 – 2014	Consultant. Technical Assistance on Solitary Confinement in Maryland, New Mexico, and Illinois. Vera Institute.
2011 – 2015	Director, Los Angeles County Sheriff Jail Population Projections and Impact of AB 109. Funded by Public Welfare Foundation.
2013-2014	Evaluation of the Contra Costa Probation Department's Response to AB 109- Realignment.
2012-2013	Evaluation of Alternatives to Incarceration, San Diego County.
2012 – 2013	Evaluation of the Short-Term Technical Violation Pilot Study. U.S. Parole Commission.
2012	Co-Director. Evaluation of the Oklahoma Administrative Segregation System. Oklahoma Department of Corrections.

2011 - 2012	Consultant. Study of Colorado Administrative Segregation System. Colorado Department of Corrections and National Institute of Corrections, U.S. Department of Justice.
2010 – 2011	Co-Director, Revalidation of the Texas Pardon and Parole Board System. Texas Pardon and Parole Board.
2009 – 2012	Director, Prison Population-Justice Re-investment Initiative. Pew Charitable Trusts.
2010 – 2011	Special Consultant, Jail Population Projection Study, US Department of Justice and Orleans Parish.
2008 – 2009	Special Consultant, Administrative Segregation/Super Max Parchment Study. Mississippi Department of Corrections and ACLU
1998 – 2011	<i>Director</i> , Correctional Options Program (Bureau of Justice Assistance, U.S. Department of Justice)
2007 – 2008	Director, Harris County Pretrial Services Re-Validation Risk Assessment Study. (Harris County, Texas).
2005 – 2008	Director, Montgomery Pretrial Services Risk Assessment Validation Study. (Bureau of Justice Assistance, U.S. Department of Justice).
2003 – 2006	<i>Director</i> , Assessment of Sexual Assault in the Texas Prison System. (National Institute of Justice).
2002 – 2006	<i>Director</i> , Parole Guidelines System Project, Maryland Parole Commission. (Baltimore Open Society Institute).
2003 – 2006	<i>Director</i> , Validation Study of the Alameda County Juvenile Detention Risk Assessment System (Alameda County, California).
2002—2006	<i>Independent Expert</i> , Office of Youth Development, Louisiana Department of Public Safety and Corrections, Jointly Appointed by State of Louisiana and U.S. Department of Justice, Civil Rights Division

2003-2004	<i>Director</i> , Evaluation and Redesign Of Systems For Berks County Pretrial and Sentenced Populations. (Berks County, PA).
2002 – 2003	<i>Director</i> , Validation of the Pennsylvania Parole Guidelines. Pennsylvania Board of Probation and Parole. (Pennsylvania Commission on Crime and Delinquency).
2001 – 2003	<i>Director</i> , Development of the Kentucky Parole Risk Assessment System. Kentucky Parole and Pardon Board.
1998 – 2004	<i>Monitor</i> , Georgia Juvenile Justice Corrections System, Jointly Appointed by State of Georgia and U.S. Department of Justice, Civil Rights Division.
1997 - 2002	<i>Director</i> , National Technical Assistance Program for External Prison Classification Systems (Oregon, Wisconsin, Virginia, Tennessee, Texas, Oklahoma, and Montana) (National Institute of Corrections)
1996 - 2002	<i>Director</i> , National Technical Assistance Program for Internal Prison Classification Systems (Washington State, Oregon, Missouri, South Dakota, Connecticut, Colorado, and Florida)
1996 - 1999	<i>Director</i> , National Survey of Juveniles in Adult Correctional Facilities (Bureau of Justice Assistance), GWU.
1996 - 1999	<i>Director</i> , National Multi-Site Boot Camp Evaluation (Adult and Juvenile) (National Institute of Justice), GWU.
1995 - 1999	<i>Director</i> , Evaluation of “Three Strikes and You're Out” Laws in California and Nationally, (National Institute of Justice), NCCD
1996 - 1999	<i>Director</i> , National Survey of Privatization in Corrections (adult and juvenile facilities) (Bureau of Justice Assistance), NCCD.

1992 - 1997	<i>Director, Correctional Options Evaluation (National Institute of Justice and Bureau of Justice Assistance), NCCD</i>
1997	<i>Director, Congressionally mandated evaluation of the D.C. Department of Youth Services Agency (YSA) operations, classification system, staffing levels, physical plant, mental health, information services and program services, (National Institute of Corrections, Bureau of Prisons), NCCD</i>
1992 - 1997	<i>Director, National Structured Sentencing Evaluation (Bureau of Justice Assistance), NCCD</i>
1995 - 1997	<i>Director, Congressionally mandated evaluation of the D.C. Department of Corrections operations, classification system, staffing levels, and physical plant, including, comprehensive cost analysis of long-term options for the Lorton Complex, (National Institute of Corrections, Bureau of Prisons), NCCD</i>
1991 - 1997	<i>Director, Design and Implementation of the New York City Department of Corrections Objective Jail Classification System (Consent Decree, New York City Department of Corrections), NCCD</i>
1991 - 1995	<i>Director, Philadelphia Prison System Classification and Population Projections Project (Consent Decree, City of Philadelphia), NCCD</i>
1991 - 1994	<i>Director, Evaluation of Jail Drug Treatment Programs (National Institute of Justice), NCCD</i>
1990 - 1993	<i>Director, Evaluation of the Los Angeles Sheriff's Boot Camp Program (National Institute of Justice), NCCD</i>
1991 - 1993	<i>Director, Design and Implementation of the Cook County Objective Jail Classification System (Cook County Sheriff's Department), NCCD</i>
1990 - 1991	<i>Director, California Assessment of the Overrepresentation of Minority Youth in Juvenile Justice (Office of Criminal Justice Planning), NCCD</i>

1988 - 1992	<i>Director</i> , Experimental Test of Electronic Monitoring Program, Oklahoma Department of Corrections (National Institute of Justice), NCCD
1987 - 1992	<i>Director</i> , Experimental Test of the Prison Management Classification System (National Institute of Corrections and Washington Department of Corrections), NCCD
1986 - 1990	<i>Director</i> , National Jail Classification Project (NIC), NCCD
1985 - 1987	<i>Co-Director</i> , California Youth Authority Parole Risk Study (Packard Foundation and CYA), NCCD
1984 - 1986	<i>Co-Director</i> , Study of Institutional Violence at San Quentin (Consent Decree, California Department of Corrections, NCCD
1982 - 1987	<i>Co-Director</i> , Experimental Study of Juvenile Court Probation Services, Salt Lake City, Utah (OJJDP), NCCD
1983 - 1985	<i>Co-Director</i> , Illinois Department of Corrections Early Release Evaluation (NIJ), NCCD
1980 - 1984	<i>Co-Director</i> , Supervised Pretrial Release Test Program (NIJ/LEAA), NCCD
1981 - 1983	<i>Co-Director</i> , Evaluation of California AB2 Bail Reform Act (OCJP), NCCD
1980	<i>Senior Research Associate</i> , California Alternatives to Incarceration Study (State Legislature), NCCD

SPECIAL APPOINTMENTS

2006 – 2007	Expert Panel on Adult Offender and Recidivism Reduction Programming, California Department of Corrections and Rehabilitation
2003	Advisory Committee, The Little Hoover Commission Report on California Prison System
1999- 2003	Chair, National Policy Committee, American Society of Criminology

1987 - 1994	Trustee, Robert Presley Institute of Corrections Research and Training
1991	Governor's Task Force on Prison Crowding, State of Nevada
1988	Governor's Task Force on Corrections, State of Oregon
1981, 1986	National Academy of Sciences, National Panels on Sentencing and Prison Overcrowding

EXPERT WITNESS/LITIGATION

1987 - 1989	<p>Office of the Special Masters, <u>Ruiz v. Lynaugh</u>, Evaluation of the TDC Classification System and Inmate Violence</p> <p>Appointed by Court to produce evaluation report of classification system to determine if inmate violence had been reduced.</p>
1989 - 1991	<p>U.S. Department of Justice, Civil Rights Division, <u>U.S. v. State of Florida: Florida Department of Corrections, et al.</u>, Case No. TCA 86-7330 (N.D. Fla)</p> <p>Expert Witness Retained by Plaintiffs to determine whether women should be excluded from certain post positions in the DOC.</p>
1990 - 1991	<p>King County (Seattle, Washington) District Attorney's Office, <u>Hammer v. King County</u></p> <p>Expert Witness Retained by Defendants to determine if minority staff was being discriminated against.</p>
1990 - 1991	<p>Office of the Attorney General, State of Texas, <u>Lamar v. Collins</u></p> <p>Expert Witness Retained by Defendants to determine if use of local incarceration rates by selected counties was appropriate.</p>

1991	<p>Office of the Attorney General, State of Texas, <u>Alberti v. Sheriff of Harris County, et al.</u>, No. CA-H-72-1094</p> <p>Expert Witness Retained by Defendants to determine if use of local incarceration rates by selected counties was appropriate.</p>
1991 - 1992	<p>U.S. Department of Justice, Civil Rights Division, <u>U.S. v. The Parish of Orleans Criminal Sheriff's Office</u></p> <p>Expert Witness Retained by Plaintiffs to determine the appropriateness of excluding females from certain post positions within the jail.</p>
1991 - 1994	<p><u>Calvin R. vs. Illinois Department of Corrections.</u> Consent Decree.</p> <p>Appointed by Court to produce evaluation of classification system and to implement internal classification system to reduce inmate violence.</p>
1995	<p><u>International Fidelity Insurance Co. et al. v. Charles Nobel et al.</u>: In the United States District Court of the Southern District of Texas, Houston Division.</p> <p>Expert Witness Retained by Defendants to determine the Failure to Appear rates for defendants released on surety bond versus O.R.</p>
1995	<p><u>Sandra Herrera, et al., v Pierce County, et al.</u></p> <p>Retained by Plaintiffs to evaluate whether inmates were being properly classified and housed in the local jail.</p>
1995 - 1996	<p><u>Montoya v. Gunter, et al.</u></p> <p>Retained by Defendants to determine whether inmate who was killed while incarcerated had been properly classified and housed.</p>
1995 - 1997	<p><u>Inmates A,B,C and D v. Illinois Department of Corrections</u> Consent Decree</p>

Appointed by Court to produce evaluation of the level of control of housing and job assignments by gangs.

1995 - 2002

USA v. Michigan and Cain v. Michigan Consent Decrees

Expert witness retained by Defendants to help Department of Corrections reach compliance with court order regarding classification system.

1996

Rentschler v. Carnahan et al.

Retained by Defendants to evaluate the impact of crowding at the Colorado maximum security prison.

1997

Carlos Morales Feliciano v. Pedro Rossello Gonzales Consent Decree

Retained by Special Master to conduct a comprehensive assessment of the inmate classification system that was designed and partially implemented by the Administration of Corrections.

1998 - 1999

Southern Ohio Correctional Facility (Civil Action No. C-1-93-436).

Retained by the Ohio Department of Rehabilitation and Correction to serve as an expert witness on classification issues as they pertain to the Lucasville riot.

1998 - 1999

Busey et al. v. Corrections Corporation of America

Retained by CCA to develop an objective classification system for the Youngstown facility and have all inmate's properly classified according to the classification criteria. No expert report, deposition or court testimony.

1998 - 2000

Holloway, et al., v. King County

Retained by plaintiff's counsel to examine the validity of client's claims that sexual harassment of female correctional officers by male inmates was being

encouraged by male correctional officers and departmental policy. Declaration and deposition.

2001

Gartrell et al., v. Ashcroft et al.

Retained by plaintiffs to examine if BOP inmates placed in Virginia Department of Corrections are unnecessarily having their expression of religious freedoms unnecessarily restricted? Report submitted but no deposition or court testimony.

2001 - 2005

Austin, et al., v. Wilkinson, et al.

Retained by defendants to examine the classification process used to assign inmates to the Ohio State Penitentiary – a high maximum security prison. Expert report but no deposition or testimony.

2008- present

Plato and Coleman v. Schwarzenegger.

Retained by plaintiffs to develop plan to depopulate the California Prison Population. Reports submitted and deposed by defendants, two expert reports submitted and court testimony.

2013 - 2014

Coleman v. Brown

Expert declaration, deposition and court testimony in support of plaintiff's motion regarding mentally ill inmates in segregation.

2012

Louis Henderson, et al., v. Kim Thomas

Expert declaration and testimony on behalf of plaintiffs on the appropriateness of segregating inmates based on HIV status (Alabama). Court ruled in favor of plaintiffs.

2016 - present

Mark Duke, et al., vs. Jefferson S. Dunn

Expert declaration on behalf of plaintiffs on proper classification of inmates at the St. Clair prison facility (Alabama). Stipulated agreement designated Dr. Austin as expert for the DOC to implement reforms.

2016 - present	<u>Stephen Rudisill v. Charles Ryan</u> Appointed as expert to monitor stipulated agreement where the Arizona Department of Corrections agrees to desegregate their inmate population in housing and program assignments.
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MAJOR PUBLICATIONS

Books

2011	<u>It's About Time: America's Imprisonment Binge</u> (with John Irwin), 4 th Edition, Cengage, Publishing.
1993	<u>Reinventing Juvenile Justice</u> (with Barry Krisberg), Beverly Hills, CA: Sage Publications.
1978	<u>The Children of Ishmael: Critical Perspectives on Juvenile Justice</u> (with Barry Krisberg),

Articles

2010	"Reducing America's Correctional Populations", 2001. Justice Research and Policy, Vol, 12, No. 1, pp,1-32.
2009	"Prisons and the Fear of Terrorism." August 2009. Criminology and Public Policy. Vol., Issue 3: 641-649.
2009	"Beyond Supermax Administrative Segregation: Mississippi's Experience Rethinking Prison Classification and Creating Alternative Mental Health Programs." 2009. Criminal Justice and Behavior. Vol. 36, No. 10: 1025-1037.
2006	"How Much Risk Can We Take? The Misuse of Risk Assessment in Corrections." 2006. Federal Probation. Vol. 70, No. 2: 58-63.
2004	Richards, Stephen C., James Austin, and Richard S. Jones. 2004. "Thinking About Prison Release and Budget Crisis in the Blue Grass State." Critical Criminology: An International Journal, Vol. 12, No.3: 243-263.
2004	Richards, Stephen C., James Austin, and Richard S. Jones. 2004. "Kentucky's Perpetual Prisoner

- Machine: It's All about Money." Review of Policy Research, Vol. 24, No. 1 (at press).
- 2003 "Why Criminology Is Irrelevant", Criminology and Public Policy, Vol. 2, No.3: 557-564
- 2003 "Three Strikes Laws", in Current Controversies in Criminology, Ronald Weitzer, ed., Prentice Hall: Upper Saddle River, NJ.
- 2003 "The Use of Science to Justify The Imprisonment Binge", Convict Criminology, Jeffrey Ian Ross and Stephen C. Richards, eds., Wadsworth: Belmont, CA.
- 2003 "Its About Time: America's Imprisonment Binge", Punishment and Social Control, Aldine De Gruyter: New York, NY.
- 1999 "Are We Better Off? Comparing Private and Public Prisons in the United States", Current Issues in Criminal Justice. Vol. 11 (2): 177-201.
- 1999 "The Impact of 'Three Strikes and You're Out'", Punishment and Society, Vol 1(2): 131-162.
- 1998 "The Limits of Prison Drug Treatment", Corrections Management Quarterly, Vol. 2, Issue 4, Fall 1998, pp. 66-74.
- 1996 "The Effect of 'Three Strikes and You're Out' on Corrections" in Three Strikes and You're Out: Vengeance as Public Policy, David Shichor and Dale K. Sechrest, eds., Sage Publications: Thousand Oaks, CA.
- 1996 "Are Prisons A Bargain? The Case of Voodoo Economics", Spectrum, Spring 1996, pp. 6-24.
- 1995 "The Overrepresentation of Minority Youths in the California Juvenile Justice System: Perceptions and Realities" in Minorities in Juvenile Justice, Kimberly Kempf Leonard, Carle E. Pope, and William H. Fyerherm, eds., Sage Publications: Thousand Oaks, CA.

- 1994 "Three Strikes and You're Out: The Likely Consequences". St. Louis University Public Law Review, 14, 1, pp. 239-258.
- 1993 "Classification for Internal Purposes: The Washington Experience" (with Chris Baird, and Deborah Nuenfeldt), Classification: A Tool for Managing Today's Offenders, Laurel, MD: American Correctional Association.
- 1993 "Objective Prison Classification Systems: A Review", Classification: A Tool for Managing Today's Offenders, Laurel, MD: American Correctional Association.
- 1986 "Using Early Release to Relieve Prison Crowding: A Dilemma in Public Policy," Crime and Delinquency (October):404-501
- 1986 "Evaluating How Well Your Classification System Is Operating," Crime and Delinquency (July):302-321
- 1985 "Incarceration in the United States: The Extent and Future of the Problem," The Annals (March):15-30
- 1983 "Assessing the New Generation of Prison Classification Models," Crime and Delinquency (October):561-576
- 1982 "Do We Really Want to Get 'Tough on Crime'?" Corrections Today, Vol. 44, No. 6:50-52
- 1982 "Bail Reform in California: The Passage of AB2" (with E. Lemert), Pretrial Services Annual Journal, 1982, Vol V:4-23
- 1982 "Review of Fatal Remedies: The Ironies of Social Intervention" (Sam D. Seiber) in Crime and Delinquency, Vol. 20, No. 4:639-641
- 1982 "The Unmet Promise of Alternatives to Incarceration" (with B. Krisberg), Crime and Delinquency, Vol. 28, No. 3:374-409
- 1982 "Promises and Realities of Jail Classification," Federal Probation, Vol. 46, No. 1:58-67

- 1981 "Wider, stronger, and different nets: the dialectics of criminal justice reform" (with B. A. Krisberg), Journal of Research in Crime and Delinquency, Vol. 18, No. 1:165-196
- 1980 Instead of Justice: Diversion,
Ph.D. Dissertation, University of California, Davis

AWARDS

- 2009 Recipient of the Marguerite Q. Warren and Ted B. Palmer Differential Intervention Award, American Society of Criminology, Corrections and Sentencing Division
- 1999 Recipient of the Paul Tappin award for outstanding contributions in the field of criminology, Western Society of Criminology
- 1991 Recipient of the Peter P. Lejins Research Award, American Correctional Association

Expert Witness Cases past Five Years. James Austin

United States

Mark Duke, et al., vs. Commissioner S. Dunn;
Harry Davis, et al., vs. John Baldwin, Acting Director of the Illinois Department of Corrections;
Arthur Davis, next of kin to Edward Davis, Jr., deceased, vs. County of Santa Clara;
Samuel Robinson et al., vs. Hamilton County Sheriff, Jim Nell;
United States v. Andrew Rodgers, 16-cr-0018-WTL-CMN;
John Doe et al., vs. Michigan Department of Corrections;
United States vs. Brandon Council, Cr. No. 4:17-866;
Stephen Stanko vs. State of South Carolina matter, Case Number 2008-CP-22-0144;
Schoonover v. Rogers et al., Case No. 18-302;
Mays v. County of Sacramento, E.D. Cal. No. 2:18-cv-02081-TLN-KJN (PC)
Stephen v. Rudisill vs. Charles Ryan, Director Arizona Department of Corrections;
and,
Ralph Coleman v. Edmund G. Brown, Jr;
Ms. L., et al., United States District Court Southern District of California
Case No. 18-cv-00428-DMS-MDD, *Petitioners-Plaintiffs*, U.S. Immigration and Customs v. Enforcement ("ICE"), et al.; and,
Ashok Babu, et al. v. County of Alameda, et al.

Canada

Christopher Brazeau and David Kift v. The Attorney General of Canada, CV-15-53262500-CP.
Lapple v. HMQ Court File No. CV-16-558633-00CP

EXHIBIT 5

Jeanne M Rikkers

KM 4.5 Carretera a los Los Planes, Pasaje Larín No. 4, S.S., El Salvador | 503-7910-7291 | jmrikkers@gmail.com

Experience

DIRECTOR CENTER OF HUMAN RIGHTS RESEARCH AND LEARNING | CRISTOSAL | CENTRAL AMERICA | NOVEMBER 20015 - PRESENT

- Develop and manage the research and education staff
- Oversee the Global School for Human Rights seminar program an intercultural training program for human rights advocates, educators and organizers
- Direct research agenda on Forced Displacement, Returned Migrants with Founded Fear, Gangs and Community Development, Violence against LGBTI population, Prison Population, Torture, Extrajudicial Executions and Violations of Prisoner Rights
- Contribute planning, monitoring, evaluation and organizational learning using tools such as Outcome Mapping and Theory of Change

PROGRAM COORDINATION | CITIZEN SECURITY AND CRIMINAL JUSTICE | FESPAD | EL SALVADOR | SEPTEMBER 2013 - JULY 2015

- Responsible for supervising, planning, monitoring and evaluation of projects on community violence prevention, gang intervention and rehabilitation, and conflict transformation
- Advocated for policy change in violence prevention at local, national and regional level
- Handled media relations, academic interviews and expert testimony on gang issues, gender-based violence and community conflict transformation
- Developed project proposals including budgets and staffing, and maintained informed and positive relationships with funders and grant agencies
- Member of the consulting committee to the Executive Director of FESPAD
- Primary researcher on security and criminal justice responsible for research design, protocols, supervision of methodology and field work as well as editorial decisions for publication
- Project manager of staff and volunteers in community-based violence prevention projects, defense of human rights defenders, and at-risk groups, including gang – reinsertion projects

RESEARCHER | INTERPEACE LATIN AMERICA OFFICE | DECEMBER 2010-SEPTEMBER 2013

- Regional Research Coordinator November 2011 – September 2013
- Coordinated research projects in five countries and promoting policy responses in relation to research
- Responsible for design and evaluation of social auditing projects with Central American Youth networks and civil society organizations
- Coordinated research for the policy proposals on Youth Violence Prevention with SICA, SISCA and UNFPA and the governments of Panamá and Nicaragua
- Principal researcher for developing Regional Guidelines for Policy on Youth-related violence prevention for SICA
- Principal researcher for the proposals for a comprehensive youth-related violence prevention policy and documentation of good practice
- Facilitated workshops on violence prevention and youth participation in public policy
- Technical assistance on development of action plans and municipal policies on youth violence prevention

**TECHNICAL AND RESEARCH CONSULTANT | FESPAD | EL SALVADOR|
NOVEMBER 2007 TO NOVEMBER 2010**

- Technical support for working groups and dialogue on human rights in prison system with family members, prisoners and authorities
- Support for AEIPES, association of ex-prisoners
- Facilitation for roundtable dialogue among youth offenders and authorities in the juvenile detention centers
- Support for the “Cuentame” juvenile detention center poetry project
- Workshop facilitation on conflict transformation with municipal authorities and law enforcement officers
- Accompaniment of victims and documentation of human rights violations of prisoners and youth in conflict with the law

COUNTRY COORDINATOR, EL SALVADOR | CRISPAZ | 2000-2007

- Legal representative in El Salvador responsible for administration, staff, programming and public relations
- Coordinated strategic planning initiatives
- Contributed successfully to major and individual donor fundraising through written communications and speaking tours
- Represented CRISPAZ in networks and advocacy groups
- Developed programs in fair trade, community development, and high-risk youth violence prevention
- Developed effective and popular long and short-term volunteer programs

PROGRAM COORDINATION | CRISPAZ | 1996-2000

- Volunteer Program 1998-2000.
- Multicultural Peace Education program of delegations to El Salvador 1996-2000

COUNTRY REPRESENTATIVE, EL SALVADOR | CRWRC | 1992-1996

- Project management and strategic planning with four Salvadoran partner agencies on community development initiatives
- Developed partner-friendly project monitoring systems and assisted in designing and implementing project evaluations and participatory planning models
- Workshop organizer and facilitator at community, national and regional levels on: sustainable agricultural practices, community health, literacy, and political analysis of impacts of neoliberal economic policy on community development

COMMUNITY DEVELOPMENT STAFF | CRWRC | GUATEMALA | 1990-1992

- Service and Learning program focused on sustainable agricultural practices and community health

EXTERNAL PROJECT EVALUATOR | LABOR AND TRADE UNION PROJECTS IN CENTRAL AMERICA AND COLOMBIA

- 2009 US State Department, Bureau of Democracy, Human Rights, and Labor- funded project: El Salvador and Guatemala
- 2010 US Department of Labor-funded project: Colombia
- 2012 US State Department Bureau of Democracy, Human Rights, and Labor- funded project: El Salvador and Guatemala

- 2014 US State Department Bureau of Democracy, Human Rights, and Labor-funded project on Afro-Columbian Workers in Colombia
- 2015 National Endowment for Democracy, NED, Cumulative Assessment of Four-year project “Central America Regional: Building & Strengthening Modern Democratic Unions in Guatemala, El Salvador, Honduras, Nicaragua & Costa Rica”
- 2016 US State Department, Bureau of Democracy, Human Rights and Labor- funded project: “Building the Capacity of Workers and Worker Organizations to Advocate for Labor Rights in CAFTA-DR”
- 2018 US State Department, Bureau of Democracy, Human Rights and Labor- funded project: “Countering Labor Violence in Honduras y Guatemala”

Other Relevant Consultancies

- 2007 - Expert testimony on Country Context, gender-based violence and gangs for asylum cases in the United States
- 2010 FESPAD/ICCPG: Assisted research on the conditions of the Juvenile Justice System
- 2011 ISDEMU/FESPAD: Evaluation of government initiatives on preventing violence against women
- 2013 ChristianAid: Consultant on the design of regional violence prevention strategy
- 2013 Catholic Relief Services: Juvenile Justice System use of YouthBuild and other civil society models for youth reinsertion programs
- 2014 Plataforma de Seguridad Juvenil: Course facilitator in regional program for certification on youth, violence prevention and public policy participation
- 2015 NCSC: Proposal for Halfway house for the Juvenile Justice System in El Salvador
- 2015 FESPAD: Research and documentation of police and military abuse of stigmatized youth
- 2015 Catholic Relief Services: Research and Proposals related to “Second Chances /Segundas Oportunidades” project
- 2016 Catholic Relief Services: Research on impacts of violence on Cacao Alliance projects

Research & Publications

- Field research: “*Monitoreo de la situación de menores de edad en los centros de resguardo e internamiento en El Salvador*”, FESPAD, 2009
- Researcher for El Salvador: “*Ejecuciones extrajudiciales de jóvenes estigmatizados en Centroamérica: Estudio de situación de Guatemala, El Salvador y Honduras 2009*” (published, 2011)
- Principle researcher: “*Construyendo un futuro de paz: Propuesta de política pública integral para prevenir la violencia que afecta la adolescencia y la juventud*”, FESPAD/SSPAS/Interpeace, 2011
- “*Ser hombre, ser mujer: el rol de género en las pandillas de El Salvador*”, published by SSPAS, 2012: contributing researcher and editor
- “*Historias y relatos de vida de pandilleros y ex pandilleros de Guatemala, El Salvador y Honduras*”, ICCPG/Interpeace/Fespad, 2012: Researcher for El Salvador
- “*Viviendo la cultura de paz: Nicaragua*”, Interpeace and Governmente of Nicaragua, 2012: Facilitator and Researcher
- “*Estrategias y acciones para la prevención de la violencia relacionada con juventudes en Panamá*”, Interpeace and Panamanian Government, 2012: Facilitator and Researcher

- “*Violent Women and Violence Against Women*”, Interpeace, 2012, contributing researcher
- “*La libertad religiosa y las personas LGBTI: Cuaderno para el diálogo sobre los Derechos Humanos en El Salvador*”, Cristosal, 2016: principle researcher
- “*Retos del desarrollo comunitario en contextos violentos: Un informe para la discusión sobre el desarrollo, los derechos humanos y la seguridad*”, FESPAD/CRISTOSAL/CRS/ChristianAid, 2017: principle researcher

Translation & Interpretation

- Consecutive, simultaneous and liaison interpretation English-Spanish 1995-2014 for more than 300 people visiting El Salvador as part of solidarity, human and labor rights, and church organizations
- Translation of more than 200 published and internal documents (English-Spanish) on labor rights, human rights, violence, impunity, security and theology

Volunteer Positions

EXTERNAL FACILITATOR | GRUPO JUVENTUD O.P.E.R.A. | QUEZALTEPEQUE, APANTEOS AND CIUDAD BARRIOS PRISONS | 1997-2010

- Assistance in organization and planning of OPERA activities inside prisons
- Facilitation of training workshops, self-help groups for emotional intelligence, culture of peace and human rights with imprisoned men with ties to gangs

FOUNDING MEMBER | NETWORK FOR A HUMANE PRISION SYSTEM | 2003-2010, 2018-PRESENT

BOARD MEMBER | FUNDACIÓN IDEAS Y ACCIONES PARA LA PAZ, QUETZALCOATL | JANUARY 2010- AUGUST 2011

EXTERNAL FACILITATOR | YOUTH MOVEMENT/ MOVIMIENTO JUVENIL GENERACIÓN XXI | 1993-1998

- Administration, fundraising and program planning support
- Facilitation of youth groups and workshops on leadership and culture of peace

Education

B.A. |1987| CALVIN COLLEGE

- Majors: English, German
- Minor: Philosophy